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ABSTRACT

This anthology provides an introduction to a variety of theories about and historical types of church-state relations, past and present. It provides foreign models against which citizens can judge the strengths and weaknesses of U.S. constitutional arrangements. The analysis looks at Catholicism, Islam, Lutheranism, Calvinism, Judaism, and the Protestant "Free Church" tradition within the nine chapters: (1) "A Comparative Look at Church-State Relations"; (2) "The Theocratic Ideal"; (3) "The State Church"; (4) "The Roman Catholic Position and Its Development"; (5) "A Distinction between the 'Two Kingdoms'"; (6) "The Case of Israel: A State Poised between Secular Democracy and Theocratic Law"; (7) "Separationism: The Witness of the Free or Believers' Church"; (8) "Separationism: Examples from Some Modern Secular States"; and (9) "Cooperation of Church and State: The Example of Education in Europe." Following each chapter are readings, questions for discussions, and suggestions for further reading. (KWL)

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Religion and Government in Other Countries

edited by

James C. Livingston

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CHURCH, STATE and the FIRST AMENDMENT:

A North Carolina Dialogue

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Religion and Government
in Other Countries
edited by
James C. Livingston

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CHURCH, STATE AND THE FIRST AMENDMENT: A NORTH CAROLINA DIALOGUE

Volume I: *Religion and Government in Other Countries*

Edited by James C. Livingston

Professor Livingston teaches in the Department of Religion at the College of William and Mary. The author of *Modern Christian Thought: From the Enlightenment to Vatican II*, he recently edited an anthology entitled *Religious Thought in the Eighteenth Century*. In *Religion and Government in Other Countries*, Professor Livingston presents readings on the role of religion in other societies: the Islamic Republic of Iran, England, France, Germany, the USSR, and Israel. This anthology provides foreign models against which we can judge the strengths and the weaknesses of our own constitutional arrangements.

Volume II: *Religion and Law in American History*

Edited by John E. Semonche

Professor Semonche, a lawyer and historian, teaches American constitutional and legal history in the Department of History at the University of North Carolina at Chapel Hill. He is the author of *Charting the Future: The Supreme Court Responds to a Changing Society, 1890-1920* and *Ray Stannard Baker: A Quest for Democracy in Modern America, 1870-1918*. In Part I of this anthology, Professor Semonche presents selections which address the historical and philosophical background of the religion clauses. In Part II he presents selections from the major court opinions on the relationship of religion and government.

Volume III: *Church, State and American Culture*

Edited by Giles Gunn

Professor Gunn is a member of the Department of Religious Studies and the Curriculum in American Studies at the University of North Carolina at Chapel Hill. The author of a number of studies on religion and literature, Professor Gunn recently edited *New World Metaphysics* and *The Bible and American Arts and Letters*. He is also the author of *The Interpretation of Otherness*. In *Church, State and American Culture*, he presents readings on the tensions between America's strong religious heritage and the secularism of her fundamental law.

Volume IV: *Church, State and Education*

Edited by Waldo Beach

Professor Beach teaches in the Divinity School of Duke University. Among his publications are *Christian Community and American Society, The Wheel and the Cross: A Christian Response to the Technological Revolution*, and *The Christian Life*. In this anthology, he includes readings on the school prayer controversy, the creationism-evolution debate, the 'humanism'in-the-schools dispute, and government regulation of religious schools.

These anthologies are available for use in community programs sponsored by non-profit organizations.To obtain copies, contact CHURCH, STATE AND THE FIRST AMENDMENT: A NORTH CAROLINA DIALOGUE, 209 Abernethy Hall, University of North Carolina at Chapel Hill, Chapel Hill, NC 27514.

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Preface

Throughout the 1984 national election a debate raged over the proper relationship between church and state in this country. News magazines devoted cover stories to the topic. Talkshows featured prominent religious leaders, politicians, and civil libertarians who offered their opinions on issues ranging from school prayer to the nuclear freeze. In nationally televised debates President Ronald Reagan and former Vice President Walter Mondale confronted questions about their personal religious beliefs and how these beliefs might affect their decisions in public office. Concerned clergymen signed a statement warning of the dangers of "Armageddon theology." Emotions ran high and disagreements were sharp. Although the 1984 election is past, Americans continue to struggle with the proper role of religion in politics, education, and culture.

Yet despite the quantity of discussion, the quality of the debate is often not of the caliber we would wish. Too often we talk past each other; too often we fail to listen to what others say. Because in a pluralistic society we Americans are divided by basic and frequently unnoticed assumptions about religion, the purposes of the state, and the principles of constitutional law, we frequently fail to recognize the underlying reasons for our disagreements.

CHURCH, STATE AND THE FIRST AMENDMENT: A NORTH CAROLINA DIALOGUE seeks to provide citizens of the state with opportunities to examine closely the meaning of the two religion clauses of the First Amendment. Through public forums and debates, community programs, study groups, and radio and television documentaries, this project encourages North Carolinians to place church-state issues into broader historical, religious and philosophical contexts, and to gain a wider perspective on the separation of church and state in America by comparing it with the relationship between religion and government in other countries.

This anthology is one of four collections of background readings on church-state issues designed to provide primary materials through which North Carolinians can better understand the religion clauses of the First Amendment. Each anthology has been edited by an acknowledged scholar. With insight into the complexities of the topic and fairness to divergent points of view, these editors have selected materials representing a wide range of philosophical, religious, and political perspectives. They have included historical and legal documents, essays by philosophers and observers of the American scene, as well as newspaper and magazine articles. Readers will therefore find in these anthologies both "A Secular Humanist Declaration" and "A Christian Manifesto." They will discover selections from the "left" and from the "right," as well as from authors who strive for a middle ground. In no case is the aim of an anthology to tell readers what to think about these issues; rather each anthology seeks to provide readers with a better basis for civil and informed dialogue on questions confronting our society. We hope that these four collections of readings on church-state relations will contribute to serious inquiry into the place of religion in American society and that they will help us talk and listen to each other about issues which vitally affect us all.

CHURCH, STATE AND THE FIRST AMENDMENT: A NORTH CAROLINA DIALOGUE is sponsored by the Program in the Humanities and Human Values of the College of Arts and Sciences at the University of North Carolina at Chapel Hill. The mission of the Program is, in part, to develop and sponsor a wide variety of educational programs for the public of North Carolina which bring to bear the perspective of the humanities on important social, moral, and cultural issues. Major funding for this project has been provided by the National Endowment for the Humanities. We are grateful to the Endowment for their generous support.

I wish to thank Warren Nord, Director of the Humanities Program, whose idea this project originally was; Richard Schramm, who was the first project director; and Patricia Owens, the Humanities Program secretary. The Publications staff of the Division of Extension and Continuing Education at the University of North Carolina at Chapel Hill has put long hours into the preparation of these anthologies. I am particularly grateful to June Blackwelder, Mary Marshall Culp, Donna Marlette and Julia Klarmann for their patience and attention to detail. Marcia Decker and Marie Evans provided assistance with proofing and layout. I also appreciate the help provided by the staff of the Davis Library at UNC-Chapel Hill, especially that of Mary Ishaq and the Humanities Reference Department. The Project Advisors for CHURCH, STATE AND THE FIRST AMENDMENT read manuscripts of the anthologies and offered valuable suggestions. The Printing and Duplicating Department at UNC-Chapel Hill printed and bound the volumes. Most importantly, I thank the editors of the anthologies. They have succeeded in the difficult task of making complex issues understandable to a non-academic audience, and they have accepted suggestions for changes without losing their sense of humor.

Diane Sasson
Project Director

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Introduction

Introduction

This book is a contribution to the program entitled "Church, State and the First Amendment: A North Carolina Dialogue," in observance of the bicentennial of the U.S. Constitution. Its purpose is to complement the other three resource books prepared for this occasion by extending the Dialogue on church-state relations beyond the American experience. It is important that we observe the often complex and controversial issues between the church and the state in a wider historical and cultural context. This anthology is therefore meant to serve as a "primer," introducing the reader to a variety of theories about and historical types of church-state relations, both past and present. We have included examples from the great religious traditions, including Roman Catholicism, Islam, Lutheranism, Calvinism, Judaism, and the churches in the Protestant "Free Church" tradition—e.g., the Baptists. Contemporary church-state issues are illustrated by reference to relations and events in present-day Germany, Israel, England, Iran, Russia, and France, among others. It is my hope that this comparative analysis will not only be instructive in itself but, more importantly, will enrich the North Carolina Dialogue by placing our enlightened but sometimes injudicious American experiment in the wider context of church-state relations in other nations and traditions.

James C. Livingston
The College of William and Mary

Chapter One

Chapter One

A Comparative Look at Church-State Relations

Can America learn some lessons from other nations?

"What do they know of England who only England know?" Friedrich Max Müller, the father of the comparative study of religion, asked that rhetorical question to make an important point. He was underscoring the fact that we cannot truly know ourselves, our religion, or our nation until we are capable of seeing ourselves or our nation from another person's or nation's perspective, from the point of view of another holding different beliefs or values. We know that we are able to highlight a color by comparing or contrasting it with another color. Similarly, the Christian can better perceive, for example, what Christianity means by belief in a divine providence in history or in the supreme value of the human self or soul by comparing those beliefs with the Theravada Buddhist belief in an eternal cyclical process (*samsara*) or the denial of a real self (the *anatta* doctrine).

A comparative look at church-state relations can perhaps help us view our own American tradition of the "wall of separation" somewhat more objectively and therefore more helpfully. By looking at the relationship of church and state in, for example, England, France, Germany, Iran, or Israel, we can see many of the strengths of our own constitutional tradition. But we may also be surprised to find that there are other ways of negotiating the difficult, even perilous, terrain between religion and politics, and that we can learn valuable lessons from the experiences of some of these older as well as younger nations. Perhaps a comparative view will even raise some questions as to whether our own somewhat ambiguous constitutional clauses are still serviceable after two hundred years.

It is obvious that we human beings are naturally both religious and political creatures. Religious and political institutions are present in the records of the earliest human cultures. And what history also shows us is that religion and politics, church and state, have co-existed in a very uneasy relationship down through the centuries. To whom does one owe final allegiance? To God or to Caesar? In ancient Israel the people cried out for a king and the prophet Samuel warned them:

> These will be the ways of the king who will reign over you: he will take your sons and appoint them to his chariots and to be his horsemen, and to run before his chariots; and he will appoint for himself commanders of thousands and commanders of fifties, and some to plow his ground and to reap his harvest, and to make his implements of war. . . . He will take a tenth of your grain and of your vineyards. . . . He will take a tenth of your flocks, and you shall be his slaves. And in that day you will cry out because of your king, whom you have chosen for yourselves; but the Lord will not answer you in that day. (I Samuel 8:11-18)

The great religions of the world traditionally have been suspicious of the state because so often it demands an allegiance that challenges or conflicts with religious values or loyalties. And yet some form of government is a social imperative. The question then remains: what is the boundary or limit of civil law and authority? Where does the power of the state end? Where does the realm of the spirit, of religion, begin? Can they be so separated? Religious traditions have drawn the boundary line differently. Some religions refuse to make a separation. Even within a single religion—Christianity, for example—there has been a wide spectrum of positions regarding church-state relations.

What are the political implications of the religious belief that the state is ordained by God, or that the church should be the final authority in all matters of human action? Some religions—Lutheranism is an example—do consider the state as a natural order ordained by God and therefore some Lutheran theologians have been inclined to limit religion to the realm of the so-called "spiritual" life, that is, to activities like prayer and church-going, and to leave the state a rather free hand over other aspects of the life of the citizenry. Some religions—certain sects within Islam, for instance—hold that there can be no separation of civil government and religion, of public life from the teaching of the holy Quran and the tradition of Islamic law. Such religions insist on what is called a theocracy, or the rule of the state by God or by priests or religious authorities who claim to rule directly by divine authority.

The Roman Catholic Church has, in modern times, recognized two distinct powers, the civil and ecclesiastical, each with its own unique field of supremacy within certain limits. However, Roman Catholicism also holds that civil authority ultimately proceeds from God who is the supreme authority. Hence the state is bound to act in ways that are not contrary to the Church's teaching regarding natural law and divine truth. The state therefore must care for, favor, and protect true religion and insure its welfare under the sanction of the laws of the state. As we will see, the Roman Catholic Church has developed its teaching on church and state in important new directions in recent decades. And yet the fundamental doctrine that the human moral, and hence political, order has no real existence except in God remains and has extremely important implications for public policy—for example, policy affecting medical practice.

Some religions, fearful of what they perceive to be the menacing threat which the state poses for religious freedom, look upon the state as a half-demonic power. In the Protestant tradition, the Mennonite and Anabaptist Churches generally have viewed the state as "of the flesh and the devil," worldly and coercive, and inappropriate for Christian participation. Voting, paying taxes (for example, for military armaments), office-holding, oaths of allegiance, and military service are viewed as compromises inconsistent with loyalty to the Christian life. This has, at times, resulted in a position of radical separation and even hostility toward the state. Such a view is expressed in the following Anabaptist Confession of Faith (1527):

> A separation shall be made from the evil and from the wickedness which the devil planted in the world; in this manner, simply that we shall not have fellowship with them the wicked and not run with them in the multitude of their abominations.... For truly all creatures are in but two classes, good and bad, believing and unbelieving, darkness and light, the world and those who have come out of the world, God's temple and idols, Christ and Belial; and none can have part with the other.[1]

Such a radical view of the separation of the spiritual life and citizenship in the state has not been a dominant one in Christianity and may, at first glance, appear quite utopian, if not bizarre. However, in this century we have witnessed the rise of powerful totalitarian and authoritarian states both in Europe and in parts of the Third World. State totalitarianism, whether of the right or left, fascist or communist, often has sought either to eliminate religion altogether or to shape it to serve national political interests. This has been the great concern of churches, especially in Europe, in the past half-century.

There are others, however, who fear a more benign but no less insidious threat to religion in the pluralistic, democratic states of the West. The historian Christopher Dawson argues that, while democratic countries need not fear violent persecution of religion, they do face

> ... the crushing out of religion from modern life by the sheer weight of a State-inspired public opinion and by the mass organization of society on a purely secular basis. Such a state of things has never occurred before because the State has never been powerful enough to control every side of social life.... Today the conflict is a deeper and a wider one. It goes to the very roots of life and affects every aspect of human thought and action. [2]

It is natural that Americans, proud of their tradition of a "wall of separation" between church and state, should consider the American experience as both unique and superior to other alternative ways of dealing with this complex issue. However, both assumptions can be challenged. An American writer at the turn of the century expressed the common opinion when he claimed that America offered a

> ... unique solution of the world-old problem of church and state—a solution so unique, so far-reaching, and so markedly diverse from European principles as to constitute the most striking contribution to the science of government.[3]

The author of the most extensive study of church-state relations in the United States makes the additional claim that "the pattern evolved under the constitutional guarantees of religious freedom has not only worked well in this country but has served as an example to the rest of the world."[4]

These assessments might well cause one to fail to take into account some important facts. There was, first of all, a great European tradition of writing on religious liberty and religious toleration—including the work of Milton and John Locke, Pierre Bayle and the French writers of the eighteenth century Enlightenment—which predated the American experience and which had a profound influence on the framers of our own constitutional guarantees regarding religion. Furthermore, this European tradition was being implemented constitutionally in Britain and later in France and elsewhere during the nineteenth century at the very time that the several states of the Union were working out in practice the implications of our own principles regarding the non-establishment and the free exercise of religion. A British historian comments: "In reality it was the American experience which was derivative; it expressed a development, in favorable circumstances, of forces which were essentially and enduringly British in origin and conception."[5] French historians could argue similarly.

What is more important, however, is the perception that the American experience is "superior" to other church-state models and is one that should serve as a model to the rest of the world. Such a claim overlooks the vital differences that, in fact, exist between the United States and the nations of Europe and Asia. In these nations one cannot ignore centuries-old religious institutions and educational establishments, their homogeneous racial and religious populations, and the long-standing and complex agreements and concordats between the church and the state which cannot easily or quickly be revoked or changed.

We Americans must also be alert to the possible weaknesses or limitations in our own tradition. Some American scholars would argue that the constitutional separation of church and state was not originally intended to disconnect Christianity, or at least religion, and public life. Rather, it was meant simply to prevent the government's allocation of special privilege to one religious sect over another. What has happened, some would argue, is that the government's "neutrality" has now resulted in, or if continued will result in, a **secular** state. That is, by having nothing to do with religion, the United States government has abdicated or will abdicate its moral responsibility, will lose its conscience as a state. Since all law implies some moral judgment, the state cannot, so the argument goes, remain completely neutral. The fear of many Americans is that, in its neutrality, the government will actually propagate a secular morality. This perceived threat has led some Baptists, for example, who in an earlier period would have been upholders of a radical separation of church and state, now to call upon the state to repudiate its "neutrality." The Moral Majority, for instance, wants the arm of the state to protect the public against what it sees as the moral dangers of abortion, homosexuality, and secular humanism.

The ambiguity that appears inherent in the First Amendment clauses regarding the prohibition "respecting an establishment of religion" and insuring "the free exercise thereof" has generated extraordinary controversy, as the other books in this series make plain. Chief Justice Berger has noted that the two clauses are "cast in absolute terms, either of which, if expanded to a logical extreme, would tend to clash with the other."[6] The two clauses have, indeed, resulted in rather persistent clashes and the satisfying of one clause frequently has resulted in an encroachment of the other. One can rightly ask, then, whether this ambiguity and the history of the resulting legal decisions is one that should attract emulation by other nations. Are there other possible ways of negotiating a reasonable concord between church and state?

This book, hopefully, can assist you in seeing the American experience of church and state in a wider historical and comparative perspective. To help you to do this, the book is organized in the form of a typology, a series of classic types of church-state relationships. These types will illustrate how some of the great religious traditions have historically understood the relationship between the spiritual and temporal authority and how these distinct perceptions have translated into specific forms of church-state relations in a variety of countries in our modern period. We will see, furthermore, that certain generalizations are dangerous. The presence of an established church does not, as such, preclude genuine religious liberty or even the sharing of state financial support. Nor does a constitutional separation of church and state necessarily guarantee the voluntary or free exercise of religion or that the state will refrain from meddling in religious affairs.

Notes

[1] Henry Emerson Fosdick, *Great Voices of the Reformation* (New York: Random House, 1952), p. 289.
[2] Christopher Dawson, *Religion and the Modern State* (New York: Sheed & Ward, 1936), p. 57.
[3] Sanford H. Cobb, *The Rise of Religious Liberty in America* (New York: The MacMillan Company, 1902), p. vii.

[4] Anson Phelps Stokes, *Church and State in the United States I* (New York, 1950), p. xlvi.

[5] Edward R. Norman, *The Conscience of the State in North America* (London: Cambridge University Press, 1968), p. 5.

[6] *Walz v. Tax Commission of the City of New York*, 397 U.S. 664, 668-69 (1970).

Chapter Two

Chapter Two

The Theocratic Ideal

Since God is Lord of the Creation, should He not rule supreme over both the temporal and spiritual orders?

In a study of church-state relations, two very broad types of relationships can be observed. Each type has appeared historically in a variety of distinct forms and each has had important consequences both for political life and for the church or the practice of religion. We can identify the first general type by saying that it maintains that religion should be established in the state—either more or less. The second type holds the opposite, namely, that religion and the state should be separated—again, either more or less. We begin, then, by observing some of the ways in which the **establishment** of religion has been both legitimized and represented historically.

Our first example is **theocracy.** The word literally means "government by God." Theocracy is therefore a form of polity in which God rules a people, either directly or indirectly through a vice-regent or king, priests, or a community of "saints." The Jewish historian Josephus (BCE 37-CE 95?) wrote: "Could there be a finer or juster polity than one that sets God as governor over all things, assigning to the priests generally the administration of the most important affairs, and entrusting to the high priest the leadership of the priests." (*Contra. Apionem* II, 16). Josephus is describing the ideal form of government of the Jewish people as signified in the Torah or Law. During the biblical period, the Jews perceived even their kings as Jehovah's vice-regents, called upon to carry out the Law in both the civil and religious life of the people. After the Exile of the Jews to Babylonia (6th century BCE), Israel became an even more complete priestly theocracy.

There have been numerous theocratic forms of government in both the ancient and oriental world, including Egypt, Babylon, Tibet, and, more consistently, in the history of Islam. In Egypt and Tibet the kings appeared not only as the representatives of God but as the actual incarnation of the Deity. There were efforts on the part of the Medieval popes, especially Gregory VII and Boniface VIII, to establish the theocratic ideal in Europe and the impulse—derived largely from the model in the Old Testament—can be seen as well in John Calvin's 16th century Geneva, in Oliver Cromwell's 17th century English Commonwealth, and in Puritanism in early New England. Some experts distinguish between a pure theocracy and what they call **caesaropapism:**

> In the former it is the priest who becomes the prince; in the latter you have it the other way around. The Byzantine emperors who ruled the Church and used it as a principal instrument of political control were not theocrats but caesaropapists. The same may be said of Philip II of Spain, of Louis XIV, and of the Russian Czars. The medieval Roman emperors from Charlemagne to the Hohenstaufen were all caesaropapists; it was some of the popes who opposed their illegitimate pretensions who may be described as theocratic.... Caesaropapism produced the divine right of kings; theocracy produced the Calvinist ... revolution.[1]

In the history of Christianity there have been some attempts to establish a single theocratic state and there are New Testament—as well as Old Testament—texts which have been used to support such a theocratic rule (I Peter 2:13-14; Romans 13: 1-7). However, there is also another, and historically more dominant, view in Christianity that the spiritual and temporal orders should, in some measure, be distinguished and that Caesar has his rightful sphere of authority (Matt. 22: 21-22). Of course, the perennial problem throughout Christian history—and it was an especially acute one in the relations between the popes and the emperors or national sovereigns—has been, "Who is to judge when there is a conflict between the temporal and spiritual authority?"

It is frequently pointed out that the theocratic ideal has been successful largely when confined within a rather limited, homogeneous and small state—and that its success has been relatively short-lived. Calvin's Geneva and the Massachusetts Bay Colony are classic examples. Islam, however, presents a different picture, as we shall see. Since Calvinism and Puritanism so often are associated with theocracy and because their influence on the political history of the English-speaking world has been very great, a few words about Calvin, the 16th century Protestant Reformer, will be helpful.

Estimates of John Calvin's (1509-1564) political thought vary widely. This is because one can find seemingly opposing tendencies in his writings on church and state and political obligation. On the one hand, Calvin can be seen as a defender of modern liberty against tyranny, due to his advocacy of a constitutional division of powers, self-government, and active resistance to God-defying rulers. On the other hand, his writings also give plenty of warrant for a theocratic polity and the civic life in Calvin's own Geneva certainly reflected, for a period of time, the church's dominion over the state. As a citizen of Geneva, Calvin exerted considerable influence on its political life. A Reformed Catechism, which included a short Confession of Faith, was made binding on all citizens of the city. Those who opposed the religious confession or held other religious views were regarded as offenders against the commonwealth and therefore judged as criminals. Heresy became a civil and penal offense. The church in Geneva was coterminous with the state. A citizen of the state was a member of the church. The religious Consistory exercised responsibility over the life and conduct of the citizens in all details. It censured or punished any person who failed to live by what it regarded as the moral requirements of Holy Scripture. The Consistory was indistinguishable from the civil magistrate and religious offenders and heretics were tried in the civil courts.

Calvin was, of course, stating no new idea when he asserted an almost unqualified duty of obedience to civil authorities as God's representatives. Magistrates were, for Calvin, the hands of God, since as Romans 13:1 asserts: "There is no power but of God: the powers that be are ordained of God." The function of the magistrate was perceived as a "sacred ministry" and their enforcement of law "presided over" by God. Magistrates should of course, appreciate their divine calling and rule with wisdom and justice. But, manifestly, not all magistrates rule in a godlike fashion—and that is the problem. Nevertheless, Christians are "to be subject to principalities and powers, to obey magistrates"—and not just good or pious magistrates. A tyrannical or impious ruler may well be a scourge sent by God as a punishment for the sins of the people and for their violation of the Commandments. Calvin sets forth the duty of non-resistance to tyranny unequivocally:

> Wherefore, if we are inhumanly harassed by a cruel prince; if we are rapaciously plundered by an avaricious or luxurious one . . . or if we are persecuted, on account of piety, by an impious and sacriligious one,—let us first call to mind our transgressions against God which he undoubtedly chastises by these scourges. Thus our impatience will be restrained by humility. Let us, in the next place, consider that it is not our province to remedy these evils, and that nothing remains for us, but to implore the aid of the Lord, in whose hands are the hearts of kings and the revolutions of the kingdoms.[2]

Singular attention to Calvin's admonitions regarding obedience to rulers would, however, give a false impression of his thought. For rulers have no authority when their command actually conflicts with or contends against God. Calvin reminds his readers that "we must obey God rather than men" (Acts 5:24). Only God-fearing kings deserve to be honored and all rulers do lay aside their legitimate power when they rise up against God. This strong theocratic theme is repeated by Calvin in many of his sermons and commentaries; and it rings out in this passage from the *Institutes:*

> But in the obedience which we have shown to be due to the authority of governors, it is always necessary to make one exception . . . that it do not seduce us from obedience to him, to whose will the desires of all kings ought to be subject, to whose decrees all their commands ought to yield. . . . And, indeed, how preposterous it would be for us, with a view to satisfy men, to incur the displeasure of him on whose account we yield obedience to men! The Lord, therefore, is the king of kings; who, when he has opened his sacred mouth, is to be heard alone, above all, and before all.[3]

In the case of a genuine conflict between God and Caesar, Calvin's theocentric convictions are clear: one must obey God rather than men. It is the centrality of God's absolute Lordship over all of life which has, from time to time since the Reformation, guided Calvinism toward theocratic forms of government. This can be observed, for example, in New England Puritanism. The Puritans were Calvinists and assumed that God is the source and judge of all that exists. All human activities and institutions are under God's providential will and his judgment—government, economics, the arts, education, and family life. The will of God can, furthermore, be known in every instance through his infallible Word, the Bible. The channel through which God's will in the Bible is mediated and brought to bear on society is through his elect "saints." The centrality of the Bible for discerning the will of God for all aspects of civil life is nicely summarized by the Puritan divine, John Cotton (1584-1652) who, with John Winthrop, was the founder of the Massachusetts Bay theocracy, and responsible for the expulsion of Roger Williams:

> I am very apt to believe, what Mr. Perkins hath, . . . that the word, and scriptures of God doe conteyne a short platforme, not only of theology, but also of other sacred sciences . . . which he maketh ethicks, economicks, politicks, church-government, prophecy, academy.[4]

Cotton argues that while the church may exist under a variety of forms of state, when it is free to choose

> I conceive the scripture hath given full direction for the right ordering of the same, and that, *in such sort as may best maintain the euexia of the* church. . . . It is better that the commonwealth be fashioned to the setting forth of God's house, which is his church: than to accommodate the church frame to the civil state.[5]

According to Cotton, only the "visible" saints, God's elect, had the right to hold office and choose magistrates. As Cotton put it, the Church "prepareth fitt instruments both to rule, and to choose rulers."[6] Only those converted to Christ's will were capable of both discerning God's will and acting on it. Hence it was that the people could only elect those "whom they feel the Lord hath prepared . . . and as it were, chosen and ordained to their hands."[7]

Today it might appear that we live in a world very far removed from the priestly theocracy of ancient Judaism, or from Calvin's Geneva, or from the rule of the "saints" in early New England. But, in fact, we do not. One of the more influential movements in the contemporary world is the revival of the traditional Islamic theocratic state in the Middle East. Theocracy is a living force in world politics today.

The Islamic State in Iran

In this century most of the nations inhabited by Muslims have gained their independence from colonial rule. This newly-won freedom has raised a fundamental question for these Muslim societies: should they fashion their governments after modern Western, and largely secular, models, or should they return to the religio-political ideas of the "Islamic state" and incorporate the tenets of Islam into the very constitution and laws of their nation? Westerners tend to look upon this second option, adopted by Libya, Pakistan, and recently by Iran after the fall of the Shah (1979), as strange and retrograde. Modern westerners find the centrality of religion in the life of the Muslim world a puzzling phenomenon. The Islamic scholar Bernard Lewis comments:

> To the modern Western mind, it is not conceivable that men would fight and die in such numbers over mere differences of religion . . . to admit that an entire civilization can have religion as its primary loyalty is too much. Even to suggest such a thing is regarded as offensive to liberal opinion.[8]

As Lewis reminds us, the Christian idea that one should "Render unto Caesar the things which are Caesar's; and unto God the things which are God's," is entirely alien to traditional Islam. Islam is the state. The Prophet Muhammad was a soldier and the head of a state. The spread of Islam was and today is perceived by the faithful as a sign of God's favor. In Arabic and the other classical languages of Islam there is no dichotomy between the spiritual and the temporal. Furthermore, the real loyalty of the Muslim is not to the nation-state but to the religio-political community of Islam as exemplified in obedience to the will of Allah, the Creator. The purpose of human life is simply compliance with the will of God. Such a compliance is called *islam*. Islam is, then, observance of the Divine Law—the *shari'a*—as that Law is provided in the holy book, the *Qur'an*, and as it is supplemented and exemplified by the Prophet Muhammad in a body of teachings called the *Sunnah*, or way of life. The *Qur'an* and *Sunnah* contain God's complete plan for humanity.

During the modern era of western colonial influence, the ideals of an Islamic state were diluted, if not entirely effaced, in certain parts of the Muslim world by the inroads of secularism and political nationalism. At the end of World War I, the old Ottoman Empire was extinct and the Islamic world was divided into western colonies. This low point in the life of Islam gave rise, however, to a series of revolutionary Islamic movements dedicated to driving out the western imperialists and their influence. In Egypt a powerful Muslim Brotherhood emerged. In India a revolutionary movement led, ultimately, to the establishment of the Islamic Republic of Pakistan. In Iran a similar group, the *Fedayan - e Islam* (the Devotees of Islam) paved the way for the regime of Mohammed Mossadegh (1951-53) who sought to reduce the power of the monarch, Shah Reza, who was carrying out policies antithetical to traditional Islam.

The Ayatollah Ruhollah Khomeini is in a direct line with these earlier movements of Islamic revival.He is viewed not only as the leader of the Shi'ite sect of Islam, which is predominant in Iran, but also as the leader of the Iranian state. The Shi'ites, unlike the Sunnis, the other and larger Moslem sect, assert that the leadership of Islam was the God-given right of Ali—the Prophet Muhammad's cousin and son-in-law and legitimate successor—and his descendants. These Imams, as they are called, ruled infallibly on earth until the "Occultation" (disappearance into hiding) of the Twelfth Imam in 874 C.E. The Twelfth Imam has remained hidden since and, it is believed, his reappearance in the future will mark God's eschatological age of peace and righteousness on earth. However, until the reappearance of the Twelfth Imam, Shi'ite doctrine, as interpreted by Imam* Khomeini, teaches that the most legitimate authority rests with the "clergy," the *ulama* (scholars learned in religious science) and the *faqih* (the expert in Islamic law). These experts are called *mujtahid* and, according to current Iranian Shi'ite doctrine, because the *mujtahids* are qualified to apply Islamic law from its sources, they should have the leading role in governing Iranian society. It is, moreover, the duty of the lay citizens to emulate these religious experts.

In his influential treatise on *Islamic Government* (see Reading 1), Imam Khomeini speaks of the unique authority of the *velayat-e fiqih*, the power of trusteeship of the jurisprudent or expert in Islamic law, in the community. The role of the *faqih* is now constitutionally sanctioned in Iran (see Reading 2). The authority of the *faqih* is achieved not by virtue of his appointment or election but solely on the basis of the deference paid to him by the community on the grounds of his exemplary piety and religious knowledge. Khomeini even claims that the jurisprudent "has the same authority that the Most Noble Messenger (Muhammad) and the Imam had."[9] Furthermore, there is a hierarchy of *mujtahid* based on their erudition and the size of their following. This explains Khomeini's unique governing authority as *marja* or leader (see Reading 2).

Imam Khomeini speaks of an Islamic "republic" and before his return to Iran from exile, after the revolution of 1979, he implied a willingness to accept the Iranian Constitution of 1906. However, in a press interview with *Le Monde* (May 6, 1978) he insisted that the Constitution "serve the cause of Islam" and he added: "We will choose qualified persons from among those who are well acquainted with Islamic ideas and concepts of government."[10] The term "republic" is, therefore, used by Khomeini and by the new Iranian government in a sense distinct from the way it is understood in the West. The Leader and the Council of Guardians are not elected but possess authority through the *velayet* system—through their superior piety and knowledge of Islamic law. The legislative branch of government, the National Consultative Assembly, enacts ordinances, but these cannot be contrary to the principles of Islam and all legislation must be approved by the *fuqaha* (the Islamic legal scholars) on the Council of Guardians. All policies and regulations must be in accordance with Islamic law. The Assembly is called upon to follow the Qur'anic injunction: "to command the good and forbid the reprehensible."

Khomeini's Islamic government does not correspond to any currently existing form of "republic." Islamic government, he writes,

> is neither tyrannical nor absolute, but constitutional. It is not constitutional in the current sense of the word, i.e., based on the approval of laws in accordance with the opinion of the majority. It is constitutional in the sense that the rulers are subject to a certain set of conditions in governing and administering the country, conditions that are set forth in the Noble Qur'an and the Sunna of the Most Noble Messenger. . . . Islamic government may therefore be defined as the rule of divine law over men.[11]

In the present Islamic Republic of Iran there is, then, no separation of church and state, no distinction between what is owed to Caesar and what is God's. "The laws of the shari'a", Khomeini insists,

> amount to a complete social system. In this system of laws, all the needs of man have been met: his dealings with his neighbors, fellow citizens, and clan, as well as children and relatives; the concerns of private and marital life; regulations concerning war and peace and intercourse with other nations; penal and commercial law; and regulations pertaining to trade and agriculture. . . . Islam provides laws and instructions for all these matters, aiming, as it does, to produce

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*The western press refer to Khomeini as Ayatollah ("Sign of God") but he is now called Imam (used not in the technical sense, as for the Twelve, but as a designation of his unique leadership) in Iran. His authority thus exceeds that implied in the title Ayatollah.

integrated and virtuous human beings.[12]

Here we see a blueprint for a community, highly puritanical and theocratic, which recalls in many respects John Cotton's vision of a Christian commonwealth in Massachusetts, led by the clergy and the saints, three hundred years ago.

Notes

[1] Ross J.S. Hoffman, "The Theocratic Heresy in Politics," *Thought*, XXIV (September, 1949), p. 390.

[2] John Calvin, *Institutes of the Christian Religion II* (Philadelphia: Presbyterian Board of Christian Education, 1936 n.d.), pp. 802-803.

[3] Ibid, pp. 804-805.

[4] Quoted in Thomas Hutchinson, *The History of the Colony of Massachusetts Bay* (Boston: Printed by Thomas & John Fleet, 1764-1828) Appendix III, p. 496f.

[5] Hutchinson, op. cit., p. 497.

[6] Ibid., p. 499.

[7] John Cotton, *The Way of the Churches of Christ in New England* (London: Printed by Matthew Simmons in Aldersgatestreet, 1645), p. 44.

[8] Bernard Lewis, "The Return of Islam," in Michael Curtis, ed., *Religion and Politics in the Middle East* (Boulder, Colorado: Westview Press, 1981), pp. 10-11.

[9] Ruhollah Khomeini, "Islamic Government," trans. and ed. by Hamar Algar, in *Islam and Revolution* (Berkeley: Mizan Press, 1981), p. 63.

[10] Raymond N. Habiby and Fariborz Ghavidel, "Khumayni's Islamic Republic," in Michael Curtis, op. cit., p. 143.

[11] Khomeini, "Islamic Government," op. cit., p. 55.

[12] Ibid., pp. 43-44.

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Reading 1: Iran: Imam Khomeini

From *Islam and Revolution: Writings and Declarations of Imam Khomeini*, ed. and trans. Hamid Algar. Berkeley, CA: Mizan Press, 1981. Reproduced by permission.

Islamic Government is probably the best known of Khomeini's writings. It originated as a series of lectures, given between January 21 and February 8, 1970, to an audience of students of the Muslim religion who would assume positions of authority in society. The lectures focus on two matters: 1) the imperative of subordinating social and political life to the criteria of Islamic belief and practice, and 2) the duty of the religious scholars (the *fuqaha)* to take leadership in bringing about and in assuming positions of leadership within a new Islamic state.

ISLAMIC GOVERNMENT

The Necessity for Islamic Government

A body of laws alone is not sufficient for a society to be reformed. In order for law to ensure the reform and happiness of man, there must be an executive power and an executor. For this reason, God Almighty, in addition to revealing a body of law (i.e., the ordinances of the *shari'a)*, has laid down a particular form of government together with executive and administrative institutions.

The Most Noble Messenger* (peace and blessings be upon him) headed the executive and administrative institutions of Muslim society. In addition to conveying the revelation and expounding and interpreting the articles of faith and the ordinances and institutions of Islam, he undertook the implementation of law and the establishment of the ordinances of Islam, thereby bringing into being the Islamic state. He did not content himself with the promulgation of law; rather, he implemented it at the same time, cutting off hands and administering lashings and stonings. After the Most Noble Messenger, his successor had the same duty and function. When the Prophet appointed a successor, it was not for the purpose of expounding articles of faith and law; it was for the implementation of law and the execution of God's ordinances. It was this function—the execution of law and the establishment of Islamic institutions—that made the appointment of a successor such an important matter that the Prophet would have failed to fulfill his mission if he had neglected it. For after the Prophet, the Muslims still needed someone to execute laws and establish the institutions of Islam in society, so that they might attain happiness in this world and the hereafter.

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*Muhammad

* * *

The nature and character of Islamic law and the divine ordinances of the *shari'a* furnish additional proof of the necessity for establishing government, for they indicate that the laws were laid down for the purpose of creating a state and administering the political, economic, and cultural affairs of society.

First, the laws of the *shari'a* embrace a diverse body of laws and regulations, which amounts to a complete social system. In this system of laws, all the needs of man have been met: his dealings with his neighbors, fellow citizens, and clan, as well as children and relatives; the concerns of private and marital life; regulations concerning war and peace and intercourse with other nations; penal and commercial law; and regulations pertaining to trade and agriculture. Islamic law contains provisions relating to the preliminaries of marriage and the form in which it should be contracted, and others relating to the development of the embryo in the womb and what food the parents should eat at the time of conception. It further stipulates the duties that are incumbent upon them while the infant is being suckled, and specifies how the child should be reared, and how the husband and the wife should relate to each other and to their children. Islam provides laws and instructions for all these matters, aiming, as it does, to produce integrated and virtuous human beings who are walking embodiments of the law, or to put it differently, the law's voluntary and instinctive executors. It is obvious, then, how much care Islam devotes to government and the political and economic relations of society, with the goal of creating conditions conducive to the production of morally upright and virtuous human beings.

The Glorious Qur'an and the Sunna contain all the laws and ordinances man needs in order to attain happiness and the perfection of his state. The book *al-Kafi* has a chapter entitled, "All the Needs of Men Are Set Out in the Book and the Sunna," the "Book" meaning the Qur'an, which is, in its own words, "an exposition of all things." According to certain traditions, the Imam also swears that the Book and the Sunna contain without a doubt all that men need.

* * *

If someone should ask you, "Why has God, the All-Wise, appointed holders of authority and commanded you to obey them" you should answer him as follows: "He has done so for various causes and reasons. One is that men have been set upon a certain well-defined path and commanded not to stray from it, nor to transgress against the established limits and norms, for if they were to stray, they would fall prey to corruption. Now men would not be able to keep to their ordained path and to enact God's laws unless a trustworthy and protective individual (or power) were appointed over them with responsibility for this matter, to prevent them from stepping outside the sphere of the licit and transgressing against the rights of others. If no such restraining individual or power were appointed, nobody would voluntarily abandon pleasure or interest of his own that might result in harm or corruption to others; everybody would engage in oppressing and harming others for the sake of their own pleasures and interests.

"Another reason and cause is this: we do not see a single group, nation, or religious community that has ever been able to exist without an individual entrusted with the maintenance of its laws and institutions—in short, a head or a leader; for such a person is essential for fulfilling the affairs of religion and the world. It is not permissible, therefore, according to divine wisdom, that God should leave men, His creatures, without a leader and guide, for He knows well that they depend on the existence of such a person for their own survival and perpetuation. It is under his leadership that they fight against their enemies, divide the public income among themselves, perform Friday and congregational prayer, and foreshorten the arms of the transgressors who would encroach on the rights of the oppressed.

"Another proof and cause is this: were God not to appoint an Imam over men to maintain law and order, to serve the people faithfully as a vigilant trustee, religion would fall victim to obsolescence and decay. Its rites and institutions would vanish; the customs and ordinances of Islam would be transformed or even deformed. Heretical innovators would add things to religion and atheists and unbelievers would subtract things from it, presenting it to the Muslims in an inaccurate manner. For we see that men are prey to defects; they are not perfect and must needs strive after perfection. Moreover, they disagree with each other, having varying inclinations and discordant states. If God, therefore, had not appointed over men one who would maintain order and law and protect the revelation brought by the Prophet, in the manner we have described, men would fall prey to corruption; the institutions, laws, customs, and ordinances of Islam would be transformed; and faith and its content would be completely changed, resulting in the corruption of all humanity."

* * *

If the ordinances of Islam are to remain in effect, then, if encroachment by oppressive ruling classes on the rights of the weak is to be prevented, if ruling minorities are not to be permitted to plunder and corrupt the people for the sake of pleasure and material interest, if the Islamic order is to be preserved and all individuals are to pursue the just path of Islam without any deviation, if innovation and the approval of anti-Islamic laws by sham parliaments are to be prevented, if the influence of foreign powers in the Islamic lands is to be destroyed—government is necessary. None of these aims can be achieved without government and the organs of the state. It is a righteous government, of course, that is needed, one presided over by a ruler who will be a trustworthy and righteous trustee. Those who presently govern us are of no use at all for they are tyrannical, corrupt, and highly incompetent.

In the past we did not act in concert and unanimity in order to establish proper government and overthrow treacherous and corrupt rulers. Some people were apathetic and reluctant even to discuss the theory of Islamic government, and some went so far as to praise oppressive rulers. It is for this reason that we find ourselves in the present state. The influence and sovereignty of Islam in society have declined; the nation of Islam has fallen victim to division and weakness; the laws of Islam have remained in abeyance and been subjected to change and modification; and the imperialists have propagated foreign laws and alien culture among the Muslims through their agents for the sake of their evil purposes, causing people to be infatuated with the West. It was our lack of a leader, a guardian, and our lack of institutions of leadership that made all this possible. We need righteous and proper organs of government; that much is self-evident.

The Form of Islamic Government

Islamic government does not correspond to any of the existing forms of government. For example, it is not a tyranny, where the head of state can deal arbitrarily with the property and lives of the people, making use of them as he wills, putting to death anyone he wishes, and enriching anyone he wishes by granting landed estates and distributing the property and holdings of the people. The Most Noble Messenger (peace be upon him), the Commander of the Faithful (peace be upon him), and the other caliphs did not have such powers. Islamic government is neither tyrannical nor absolute, but constitutional. It is not constitutional in the current sense of the word, i.e., based on the approval of laws in accordance with the opinion of the majority. It is constitutional in the sense that the rulers are subject to a certain set of conditions in governing and administering the country, conditions that are set forth in the Noble Qur'an and the Sunna of the Most Noble Messenger. It is the laws and ordinances of Islam comprising this set of conditions that must be observed and practiced. Islamic government may therefore be defined as the rule of divine law over men.

The fundamental difference between Islamic government, on the one hand, and constitutional monarchies and republics, on the other, is this: whereas the representatives of the people or the monarch in such regimes engage in legislation, in Islam the legislative power and competence to establish laws belongs exclusively to God Almighty. The Sacred Legislator of Islam is the sole legislative power. No one has the right to legislate and no law may be executed except the law of the Divine Legislator. It is for this reason that in an Islamic government, a simple planning body takes the place of the legislative assembly that is one of the three branches of government. This body draws up programs for the different ministries in the light of the ordinances of Islam and thereby determines how public services are to be provided across the country.

The body of Islamic laws that exist in the Qur'an and the Sunna has been accepted by the Muslims and recognized by them as worthy of obedience. This consent and acceptance facilitates the task of government and makes it truly belong to the people. In contrast, in a republic or a constitutional monarchy, most of those claiming to be representatives of the majority of the people will approve anything they wish as law and then impose it on the entire population.

Islamic government is a government of law. In this form of government, sovereignty belongs to God alone and law is His decree and command. The law of Islam, divine command, has absolute authority over all individuals and the Islamic government. Everyone, including the Most Noble Messenger (peace be upon him) and his successors, is subject to law and will remain so for all eternity—the law that has been revealed by God, Almighty and Exalted, and expounded by the tongue of the Qur'an and the Most Noble Messenger. If the Prophet assumed the task of divine viceregency upon earth, it was in accordance with divine command. God, Almighty and Exalted, appointed him as His viceregent, "the viceregent of God upon earth"; he did not establish a government on his own initiative in order to be leader of the Muslims. Similarly, when it became apparent that disagreements would probably arise among the Muslims because their acquaintance with the faith was recent and limited, God Almighty charged the Prophet, by way of revelation, to clarify the question of succession immediately, there in the middle of the desert. Then the Most Noble Messenger (upon whom be peace) nominated the Commander of the Faithful (upon whom be peace) as his successor, in conformity and obedience to the law, not because he was his own son-in-law or had performed certain services, but because he was acting in obedience to God's law, as its executor.

In Islam, then, government has the sense of adherence to law; it is law alone that rules over society. Even the limited powers given to the Most Noble Messenger (upon whom be peace) and those exercising rule after him have been conferred upon them by God. Whenever the Prophet expounded a certain matter or promulgated a certain injunction, he did so in obedience to divine law, a law that everyone without exception must obey and adhere to. Divine law obtains both for the leader and the led; the sole law that is valid and imperative to apply is the law of God. Obedience to the Prophet also takes place in accordance with divine decree, for God says: "And obey the Messenger" (Qur'an, 4:59). Obedience to those entrusted with authority is also on the basis of divine decree: "And obey the holders of authority from among you" (Qur'an, 4:59). Individual opinion, even if it be that of the Prophet himself, cannot intervene in matters of government or divine law; here, all are subject to the will of God.

* * *

Since Islamic government is a government of law, knowledge of the law is necessary for the ruler, as has been laid down in tradition. Indeed such knowledge is necessary not only for the ruler, but also for anyone holding a post or exercising some government function. The ruler, however, must surpass all others in knowledge. In laying claim to the Imamate, our Imams also argued that the ruler must be more learned than everyone else. The objections raised by the Shi'i *ulama* are also to the same effect. A certain person asked the caliph a point of law and he was unable to answer; he was therefore unfit for the position of leader and successor to the Prophet. Or again, a certain act he performed was contrary to the laws of Islam; hence he was unworthy of his high post.

Knowledge of the law and justice, then, constitute fundamental qualifications in the view of the Muslims. Other matters have no importance or relevance in this connection.... The sole matters relevant to rule, those that were mentioned and discussed in the time of the Most Noble Messenger (upon whom be peace) and our Imams (upon whom be peace) and were, in addition, unanimously accepted by the Muslims, are: (1) the knowledgeability of the ruler or caliph, i.e., his knowledge of the provisions and ordinances of Islam; and (2) his justice, i.e., his excellence in belief and morals.

Reason also dictates the necessity for these qualities, because Islamic government is a government of law, not the arbitrary rule of an individual over the people or the domination of a group of individuals over the whole people. If the ruler is unacquainted with the contents of the law, he is not fit to rule; for if he follows the legal pronouncements of others, his power to govern will be impaired, but if, on the other hand, he does not follow such guidance, he will be unable to rule correctly and implement the laws of Islam. It is an established principle that "the *faqih* has authority over the ruler." If the ruler adheres to Islam, he must necessarily submit to the *faqih*, asking him about the laws and ordinances of Islam in order to implement them. This being the case, the true rulers are the *fuqaha* themselves, and rulership ought officially to be theirs, to apply to them, not to those who are obliged to follow the guidance of the *fuqaha* on account of their own ignorance of the law.

* * *

The two qualities of knowledge of the law and justice are present in countless *fuqaha* of the present age. If they would come together, they could establish a government of universal justice in the world.

If a worthy individual possessing these two qualities arises and establishes a government, he will possess the same authority as the Most Noble Messenger (upon whom be peace and blessings) in the administration of society, and it will be the duty of all people to obey him.

The idea that the governmental powers of the Most Noble Messenger (peace and blessings be upon him) were greater than those of the Commander of the Faithful (upon whom be peace), or that those of the Commander of the Faithful were greater than those of the *faqih*, is false and erroneous. Naturally, the virtues of the Most Noble Messenger were greater than those of the rest of mankind, and after him, the Commander of the Faithful was the most virtuous person in the world. But superiority with respect to spiritual virtues does not confer increased governmental powers. God has conferred upon government in the present age the same powers and authority that were held by the Most Noble Messenger and the Imams (peace be upon them) with respect to equipping and mobilizing armies, appointing governors and officials, and levying taxes and expending them for the welfare of the Muslims. Now, however, it is no longer a question of a particular person; government devolves instead upon one who possesses the qualities of knowledge and justice.

When we say that after the Occultation, the just *faqih* has the same authority that the Most Noble Messenger and the Imams had, do not imagine that the status of the *faqih* is identical to that of the Imams and the Prophet. For here we are not speaking of status, but rather of function. By "authority" we mean government, the administration of the country, and the implementation of the sacred laws of the *shari'a*. These constitute a serious, difficult duty but do not earn anyone extraordinary status or raise him above the level of common humanity. In other words, authority here has the meaning of government, administration, and execution of law; contrary to what many people believe, it is not a privilege but a grave responsibility. The governance of the *faqih* is a rational and extrinsic matter; it exists only as a type of appointment, like the appointment of a guardian for a minor. With respect to duty and position, there is indeed no difference between the guardian of a nation and the guardian of a minor. It is as if the Imam were to appoint someone to the guardianship of a minor, to the governorship of a province, or to some other post. In cases like these, it is not reasonable that there would be a difference between the Prophet and the Imams, on the one hand, and the just *faqih*, on the other.

* * *

Now that this much has been demonstrated, it is necessary that the *fuqaha* proceed, collectively or individually, to establish a government in order to implement the laws of Islam and protect its territory. If this task falls within the capabilities of a single person, he has personally incumbent upon him the duty to fulfill it; otherwise, it is a duty that devolves upon the *fuqaha* as a whole. Even if it is impossible to fulfill the task, the authority vested in the *fuqaha* is not voided, because it has been vested in them by God. If they can, they must collect taxes, such as *zakat*, *khums*, and *kharaj*, spend them for the welfare of the Muslims, and also enact the penalties of the law. The fact that we are presently unable to establish a complete and comprehensive form of government does not mean that we should sit idle. Instead, we should perform, to whatever extent we can, the tasks that are needed by the Muslims and that pertain to the functions an Islamic government must assume.

* * *

The meaning of the statement of the Imam that the *fuqaha* are the fortresses of Islam is that they have a duty to protect Islam and that they must do whatever is necessary to fulfill that duty. It is one of their most important duties, and moreover, an absolute duty, not a conditional one. It is an issue to which the *fuqaha* of Islam must pay particular attention. The religious teaching institution must give due thought to the matter and equip itself with the means and strength necessary to protect Islam in the fullest possible sense, just as the Most Noble Messenger and the Imams (peace be upon them) were the guardians of Islam, protecting its beliefs, laws, and institutions in the most comprehensive manner.

* * *

The Muslims will be able to live in security and tranquillity and preserve their faith and morals only when they enjoy the protection of a government based on justice and law, a government whose form, administrative system, and laws have been laid down by Islam. It is our duty now to implement and put into practice the plan of government established by Islam. I hope that by presenting the system of government and the political and social principles of Islam to broad segments of humanity, we will create a strong new current of thought and a powerful popular movement that will result in the establishment of an Islamic government.

O God, foreshorten the arms of the oppressors that are stretched out against the lands of the Muslims and root out all traitors to Islam and the Islamic countries. Awaken the heads of the Muslim states from their deep sleep so that they may exert themselves on behalf of their people's interests and renounce divisiveness and the quest for personal gain. Grant that the younger generation studying in the religious colleges and the universities may struggle to reach the sacred aims of Islam and strive together, with ranks united, first, to deliver the Islamic countries from the clutches of imperialism and its vile agents, and then to defend them. Grant that the *fuqaha* and the scholars may strive to guide and enlighten the minds of the people, to convey the sacred aims of Islam to all Muslims, particularly the younger generation, and to struggle for the establishment of an Islamic government. From You is success, and there is neither recourse nor strength except in God, the Exalted, the Sublime.

* * *

From *Constitution of The Islamic Republic of Iran*, trans. by Hamid Algar. Berkeley, CA: Mizan Press, 1980. Reproduced by permission.

After the success of the Islamic Revolution of 1978-79, Khomeini announced that the transitional revolutionary government would form a constituent assembly, of elected representatives of the people, to approve a new constitution. A draft constitution was published in June, 1979. An elected Assembly of Experts replaced the constituent assembly which approved a revised, final draft in November. This draft included the Khomeini concept of *velayat-i faqih* or the governance of the Islamic jurisprudent or law scholar. The Constitution was approved in a referendum on December 2-3.

* * *

Constitution of the Islamic Republic of Iran

Chapter I
General Principles

ARTICLE 1

The form of government of Iran is that of an Islamic Republic, which received an affirmative vote from the Iranian people on the basis of their longstanding belief in the Qur'anic government of truth and justice, after their victorious Islamic Revolution led by the eminent marja'i taqlig, Ayatullah al-Uzma Imam Khomeini, in the referendum of Farvardin 9 and 10 in the year 1358 of the solar Islamic calendar, corresponding to Jummadi al-Ula 1 and 2 in the year 1399 of the lunar Islamic calendar (March 29 and 30, 1979).

ARTICLE 2

The Islamic Republic is a system of government based on belief in:

a. the One God (as stated in the Islamic creed "There is no god but God"), His exclusive possession of sovereignty and the right to legislate, and the necessity of submission to His commands;

b. divine revelation and its fundamental role in the expounding of laws;

c. the return to God in the hereafter, and the constructive role of this belief in man's ascending progress toward God;

d. the justice of God in creation and legislation;

e. continuous leadership and guidance, and its fundamental role in assuring the continuity of the revolution of Islam;

f. the exalted dignity and value of man, and his freedom, joined to responsibilities, before God; which secures equity, justice, political, economic, social, and cultural independence, and national solidarity, by recourse to:

a. continuous ijtihad of the fuqaha possessing the necessary qualifications, exercised on the basis of the Book of God and the Sunna of the Ma'sumin, upon all of whom be peace;

b. recourse to arts and sciences and the most advanced results of human experience, together with the effort to carry them still farther forward;

c. rejection of all forms of oppression, both the infliction and the endurance of it, and of dominance, both its imposition and its acceptance.

ARTICLE 3

In order to attain the objectives specified in Article 2, the government of the Islamic Republic of Iran has the duty of directing all its resources to the following goals:

a. the creation of a favorable environment for the growth of spiritual virtues based upon faith and piety and the struggle against all forms of vice and corruption;

b. raising the level of public awareness in all areas, through the correct use of the press, the mass media, and other means;

* * *

d. strengthening the spirit of inquiry, investigation, and initiative in all areas of science, technology, and culture, as well as Islamic studies, by establishing research centers and encouraging researchers;

e. the complete expulsion of imperialism and the prevention of foreign influence;

* * *

l. the planning of a correct and just economic system, in accordance with Islamic criteria, in order to create prosperity, remove poverty, and abolish all forms of deprivation with respect to food, housing, work, and health care, and the provision of universal insurance;

* * *

o. the expansion and strengthening of Islamic brotherhood and public cooperation among all the people:

* * *

p. the formulation of the foreign policy of the country on the basis of Islamic criteria, brotherly commitment to all Muslims, and the unstinting support of all oppressed and deprived people throughout the world.

ARTICLE 4

All civil, penal, financial, economic, administrative, cultural, military, political, and other laws and regulations must be based on Islamic criteria. This principle applies absolutely and generally to all articles of the Constitution as well as to all laws and regulations, and the fuqaha on the Council of Guardians have the duty of supervising its implementation.

ARTICLE 5

During the Occultation of the Lord of the Age (may God hasten his renewed manifestation!), the governance and leadership of the nation devolve upon the just and pious faqih who is acquainted with the circumstances of his age; courageous, resourceful, and possessed of administrative ability; and recognized and accepted as leader by the majority of the people. In the event that no faqih should be so recognized by the majority, the leader, or the Leadership Council, composed of fuqaha possessing the aforementioned qualifications, will assume these responsibilities in accordance with Article 107.

ARTICLE 6

In the Islamic Republic of Iran, the affairs of the country must be administered on the basis of public opinion expressed by means of elections, including the election of the President of the Republic, the representatives of the National Consultative Assembly, and the members of councils, or by means of referenda in matters specified in other articles of this Constitution.

ARTICLE 7

In accordance with the command of the Qur'an contained in the verses "Their affairs are by consultation among them" (42:38) and "Consult them on affairs" (3:159), councils and consultative bodies—such as the National Consultative Assembly, the Provincial Councils, the Municipal Councils, and the City, Neighborhood, Division, and Village Councils—belong to the decision-making and administrative organs of the country.

The nature of these councils, together with the manner of their formation and the limits of their powers and functions, is determined by the Constitution and laws arising from it.

ARTICLE 8

In the Islamic Republic of Iran, summoning men to good by enjoining good and forbidding evil is a universal and mutual duty that must be fulfilled by the people with respect to each other, by the government with respect to the people, and by the people with respect to the government. The conditions, limits, and nature of this duty will be specified by law. This is in accordance with the Qur'anic verse "The believers, men and women, are the protectors of each other; they enjoin the good and forbid the evil" (9:71).

* * *

ARTICLE 10

In accordance with the verse "This your nation is a single nation, and I am your Lord, so worship Me," all Muslims form a single nation, and the government of the Islamic Republic of Iran has the duty of formulating its general policies with a view to the merging and union of all Muslim peoples, and it must constantly strive to bring about the political, economic, and cultural unity of the Islamic world.

* * *

ARTICLE 12

The official religion of Iran is Islam and the Twelver Ja'fari school of thought, and this principle shall remain eternally immutable. Other Islamic schools of thought, including the Hanafi, Shafi'i, Maliki, Hanbali, and Zaydi schools, are to be accorded full respect, and their followers are free to act in accordance with their own jurisprudence in performing their religious devotions. These schools enjoy official status for the purposes of religious education and matters of personal status (marriage, divorce, inheritance, and bequests), being accepted in the courts for cases relating to such matters. In areas of the country where Muslims following one of these schools of thought constitute the majority, local regulations, within the bounds of the jurisdiction of local councils, are to be in accordance with the respective school of thought, without infringing upon the rights of the followers of other schools.

ARTICLE 13

Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, with the right freely to perform their religious ceremonies within the limits of the law and to act according to their own customs in matters of personal status and religious education.

ARTICLE 14

In accordance with the verse "God does not forbid you to deal kindly and justly with those who have not fought against you because of your religion and who have not expelled you from your homes" (60:8), the government of the Islamic Republic of Iran and all Muslims are dutybound to treat non-Muslims in an ethical fashion and in accordance with Islamic justice and equity and to respect their human rights. This principle applies to all who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran.

* * *

ARTICLE 72

The National Consultative Assembly cannot enact laws contrary to the principles and ordinances of the official religion of the country or to the Constitution. It is the duty of the Council of Guardians to determine whether a violation has occurred, in accordance with Article 96.

* * *

ARTICLE 91

In order to protect the ordinances of Islam and the Constitution by assuring that legislation passed by the National Consultative Assembly does not conflict with them, a council to be known as the Council of Guardians is to be established with the following composition:

a. six just *fuqaha*, conscious of current needs and the issues of the day, to be selected by the leader or the Leadership Council; and

b. six jurists, specializing in different areas of law, to be elected by the National Consultative Assembly from among the Muslim jurists presented to it by the Supreme Judicial Council.

* * *

ARTICLE 94

All legislation passed by the National Consultative Assembly must be sent to the Council of Guardians. The Council of Guardians must review it within a maximum of ten days from its receipt with a view to ensuring its compatibility with the criteria of Islam and the Constitution. If it finds the legislation not so compatible, it will return it to the Assembly for review. If the Council fails to do the foregoing, legislation passed by the Assembly acquires the force of law.

* * *

ARTICLE 96

The determination of whether legislation passed by the National Consultative Assembly is compatible with the ordinances of Islam depends on a majority vote by the *fuqaha* on the Council of Guardians; and the determination that it is compatible with the Constitution requires a majority vote by all members of the Council of Guardians.

* * *

ARTICLE 107

Whenever one of the *fuqaha* possessing the qualifications specified in Article 5 of the Constitution is recognized and accepted as *marja'* and leader by a decisive majority of the people—as has been the case with the exalted *marja'i taqlid* and leader of the revolution, Ayatullah al-Uzma Imam Khomeini—he is to exercise governance and all the responsibilities arising therefrom. If such should not be the case, experts elected by the people will review and consult among themselves concerning all persons qualified to act as *marja'* and leader. If they discern outstanding capacity for leadership in a certain *marja'*, they will present him to the people as their leader; if not, they will appoint either three or five *marja's* possessing the necessary qualifications for leadership and present them as members of the Leadership Council.

ARTICLE 108

The law setting out the number and qualifications of the experts [mentioned in the preceding article], the manner of their election, and the internal protocol regulating the sessions of their first term must be drawn up by the *fuqaha* on the first Council of Guardians, and be approved by a majority among them and then by the Leader of the Revolution. Any subsequent change or review of the law [in question] may be undertaken by the Assembly of Experts.

ARTICLE 109

The following are the qualifications and attributes of the leader or members of the Leadership Council:

a. suitability with respect to learning and piety, as required for the functions of *mufti* and *marja*;

b. political and social perspicacity, courage, strength, and the necessary administrative abilities for leadership.

ARTICLE 110

The leadership is to be assigned the following duties and powers:

a. appointment of the *fuqaha* on the Council of Guardians

b. appointment of the supreme judicial authority of the country;

c. supreme command of the armed forces, exercised in the following manner:

(i) appointment and dismissal of the chief of the general staff;

(ii) appointment and dismissal of the commander-in-chief of the Corps of Guards of the Islamic Revolution.

Questions for Discussion

1. Isn't theocracy a perfectly reasonable form of governance, considering the monotheists' belief in God as Lord of all of life?

2. What assumptions might be challenged regarding the rule of God through His "saints" or an elite group of priests or clergy?

3. What historical conditions were present in pre-modern theocratic societies that may not be present today?

4. Can you point to any theocratic tendencies in modern history, or in contemporary life, not mentioned in this book?

Suggestions for Further Reading

On Calvinism and Politics:

Calvin, John. *Institutes of the Christian Religion* II, Bk. IV, Ch. XX, Trans. by John Allen. Philadelphia, PA: Presbyterian Board of Christian Education, 1936.

John Calvin on God and Political Duty. Ed. by John T. McNeill. New York: Liberal Arts Press, 1956.

Miller, Perry and Johnson, Thomas H. *The Puritans*, 2 vols. New York: Harper Torchbook, 1963.

On Islam and the Recent Iranian Islamic Revolution:

Andrae, Tor. *Mohammed: the Man and His Faith*. Trans. by T. Menzel. London: G. Allen & Unwin Ltd., 1936.

Cragg, Kenneth. *The House of Islam*. Belmont, CA: Dickinson Publishing Company, 1969.

Fischer, Michael, M.J., *Iran: From Religious Dispute to Revolution*. Cambridge, MA: Harvard University Press, 1980.

Gibb, H.A.R. *Mohammedanism: An Historical Survey*. London: Oxford University Press, 1949.

––––-*Modern Trends in Islam*. Chicago: University of Chicago Press, 1947.

Chapter Three

Chapter Three

The State Church

Does the state establishment of religion inevitably lead to the subordination of the church to the state?

What distinguishes a state church from a theocracy? First of all, they share some things in common.They agree that the state is not a neutral, secular institution concerned only with levying taxes and maintaining an army. The state is a religious body, with the church the spiritual organ of the nation, providing religious teaching and pastoral care. Secondly, this particular religion has a constitutional or legal status in the state with special rights, privileges, and obligations established by law.

The state church differs from a theocracy, however, in maintaining both a genuine distinction between the church and the state and, at the same time, a true interdependence between the two realms. Each maintains its own sphere with a relative autonomy. That is not the case in a theocracy. The possible danger in a theocracy is "clericalism," or the uncontested rule of a priestly caste or religious elite. The possible danger of a state church–that is, for the established church–is the loss of its own independence and freedom. This latter threat is called Erastianism (after Thomas Erastus, 1524-83), which holds the view that the civil authority should predominate over the church, largely through fear of the usurpation of temporal powers by the church itself, i.e., theocracy. As we shall see–in the case of the Church of England–Erastian threats have been of profound concern to English churchmen in the past two centuries.

The state church first emerged with the arrival of the modern state system, approximately at the time of the 16th century Reformation. As the Holy Roman Empire divided into territorial states, the religion of each new territory became that of its ruling prince or monarch. The principle in Europe then became *cuius regio, eius religio,* whose region, his religion, a rule established at the Peace of Augsburg (1555) between the Lutherans and the Roman Catholics. In Germany especially this resulted in the state maintaining a form of sovereignty over the church. The assumption of the original state church was that the whole territory or nation, or a considerable majority of its citizens, shared a common religious confession and that the nation could call upon the state for assistance in building up and in maintaining its church administration with its numerous parochial and teaching responsibilities.

Principal examples of the modern state church are Germany (until the coming of the Weimar Republic), England, and the Scandinavian countries. Here we will focus on England, after a brief account of the state church in Sweden. Swedish churchmen would prefer to speak of their church as a *Volkskirche* "peoples church" or national church, rather than as a state church. Nevertheless, it possesses many of the characteristics of the latter.

The Lutheran Church became the state church of Sweden in the sixteenth century. Despite a rather widespread indifference to religion today, the vast majority of Swedes continue to belong to the state church. The Lutheran clergy carry out certain civil functions such as parish registers of births, marriages, and deaths and hold an official position in the school. In the early nineteenth century, however, Lutheran confessionalism was profoundly influential on lay public life. All administrative and judicial offices, as well as the educational and medical professions, were open only to Lutherans. Later in the century, most public offices and the professions were opened to non-Lutherans.

The Swedish Constitution requires that "the King shall always belong to the pure evangelical faith as adopted and explained in the unaltered Augsburg Confession and in the resolution of the Upsala Synod of 1593." The King appoints the state church's archbishop and bishops from threefold nominations from the appropriate dioceses. The King also appoints the president and a majority of the members of the council which oversees the financial administration of the church. The property and funds of the church are public. Furthermore, the state maintains religious instruction in the schools.

The General Assembly of the Church of Sweden is convened by the King to consider business which he presents. The decisions of the Assembly are not final but presented for approval of the King and the Parliament. On the other hand, the Church Assembly can veto religious bills passed by the Parliament. The state cannot, then, impose its will upon the church in Sweden as it is capable of doing in other establishments. The Swedish Constitution of 1975 states that

> Notwithstanding the provisions of the present Instrument of Government which are to the effect that laws shall be enacted, amended, or repealed by the Riksdag, ecclesiastical law shall be enacted, amended, or repealed jointly by the Government and the Riksdag, *provided, however, that in such context the consent of the General Church Assembly shall likewise be required*. (Italics added.)

Nevertheless, as a state church, it is the case that the church may not make significant changes in its life without approval of the government. The church, however, has maintained a relative independence from the state and friendly relations with it.

The "special relationship" between England and the United States has made the issues surrounding the establishment of the Church of England of particular interest to Americans. Is England able, we wonder, to insure religious freedom to all her citizens alongside an established church? Are the church's rights and privileges purchased at the price of its own autonomy? Is Erastianism or state control the inevitable result of such a form of establishment? These questions can perhaps better be pondered after we have some idea of the actual privileges of the Church of England as well as her obligations to the state.

The Church of England enjoys many unique prerogatives.[1] The Church, as established, has a special relationship with the British Sovereign. The King or Queen must be a member of the Church of England. At the Sovereign's coronation, he or she promises to protect the Church's rights and privileges. The Sovereign is crowned by the Archbishop of Canterbury. The Sovereign's chaplains are ministers of the established church. The two archbishops (of Canterbury and York) and twenty-four other bishops enjoy seats in the House of Lords. They can speak for and seek to protect the interests of the Church, as well as address matters of temporal concern as the Church's conscience.

The sentences of the Ecclesiastical Courts are enforced by the state. Marriages are performed in a parish by a Church of England minister without prior registration. Parliament has legalized the right of a minister of the established church to refuse to marry divorced persons or to use his parish church for the purpose. The clergy are not paid by the state but the state has regularly made large grants, in the millions of pounds, for the care of Church of England properties through an agency called the Church Commission, which includes representatives of the state. Perhaps, most importantly, the recognition by the state of the Church of England confers upon the Church innumerable taken-for-granted privileges which bestow upon the Church advantages which other religious groups do not enjoy. Privileges, usually, are not given without concomitant obligations, and the Church of England has certain duties with regard to the state which , in fact, can amount to state control. A recent Archbishop of York confessed that

> the Church of England has never been entirely free, with the possible exception of the Anglo-Saxon period. . . . In the Norman and Medieval days the Church was controlled by both Pope and king. The Reformation transferred this dual control to the king. In the centuries which followed it passed from king to his ministers and to Parliament.[2]

In what ways does the state exercise its control over the English Church? First of all, the Crown appoints all bishops and deans. A large number of parishes are under the patronage of the Sovereign. It must be acknowledged that Crown appointments are usually—but not inevitably—based on the recommendations of the Church. However, the freedom of the state in this regard could, until recently, result in a series of appointments capable of radically changing the doctrinal interpretations and the social and political complexion of the Church. In addition to appointments, all clergy must take an oath of allegiance to the Crown before ordination or consecration. What is more significant, no legal changes can be made in Church doctrine or in public worship without an act of Parliament. The judicial committee of the Privy Council, a secular court consisting of laymen, is also the court of last appeal in ecclesiastical cases. Finally, the state exercises control over much of the property and administration of the Church. For example, the creation of a new bishopric requires the approval of Parliament.

Archbishop Garbett, who supported establishment, paints a very dark picture of what was the possible, if unlikely, misuses of the powers of the British State over the Church:

> It could use them [its powers] to bring the Church almost completely under its control. . . . Is it possible to reconcile with Christian principles a Church whose chief ministers may be nominated by a non-Christian; whose public worship can only be changed by the permission of an assembly which need not be Christian' whose sacred synods can only meet and make rules for its own members by the leave of the State; and whose doctrine in the last resort is interpreted by laymen who need be neither Christian nor Anglicans?[3]

Why, one might reasonably ask, does the Church defend establishment when its own freedom is so threatened by state controls? Is establishment too high a price to pay for certain privileges and advantages? Many Anglican churchmen have been profoundly disquieted by these questions. Growing numbers have decided that the integrity of the Church can only be protected by disestablishment. In recent decades, however, the great majority in the Church and in the Parliament show no inclination to contemplate the disestablishment of the Church of England. Interestingly, earlier demands by the nonconformist churches for the disestablishment of the Church of England are, today, seldom heard.

The arguments for and the inarticulate appeal of a national state church are long-standing. They are bred in the bones of many Englishmen. The sentiment is well expressed by Edmund Burke: "We know, and what is better, we feel inwardly, that religion W.Eis the basis of civil society."[4] In the nineteenth century, the poet and critic Samuel Taylor Coleridge, the future Prime Minister Gladstone, and the influential educator Thomas Arnold all wrote impressive apologies for a national church. They perceived the state not merely as a collection of individuals but as an organism with a corporate religious identity or personality. Gladstone wrote that

> in national societies of men generally the governing body should in its capacity as such, profess and maintain a religion according to its conscience, both as being composed of individuals who have individual responsibilities to discharge and individual purposes to fulfill, and as being itself, collectively, the seat of national personality, with national responsibilities to discharge, and national purposes to fulfil.[5]

At that point in his career, Gladstone took for granted that a sacred body of religious teachings and ideals, being generally held by the nation at large, should be protected and advanced by the state through a national established church.

However, Gladstone's assumption about a common religious confession and sentiment was, at the very time that he wrote his treatise, under serious challenge by a coalition of political radicals and religious Dissenters, or Nonconformists, made up largely of Baptists, Congregationalists, and other "free" churchmen. Through agencies such as the Liberation Society, these Nonconformists mounted a series of energetic campaigns for the disestablishment of the Church of England. During the latter decades of the century they persistently attacked the Church for its "privileges" and demanded religious equality. They pointed to what they saw as the corrupting influence of state control on the Church. They called for a state neutral with regard to religious preference for a *specific* Christian confession. On the other hand, they did not want the state to be secular or to do anything that would "be prejudicial to the religious interests of the nation." It's not difficult to imagine what kinds of objections a Jew or a Hindu or a secularist might raise against the authorizing of such a vague, nondenominational form of Christian religiosity as a substitute for the state church. Similar half-way measures have often been proposed in the United States.

Only in the latter years of the last century, and largely among a small group of High Church priests, did the Anglican clergy themselves speak out for disestablishment. However, in 1927 and again in 1928, a real crisis arose between the Church and the state in England. The issue was Parliament's rejection of the Revised Prayer Book. What appeared to be at work in this refusal was the government dictating to the Church how God was to be worshipped. For two decades the Church had been at work revising its prayer book. The final proposed revision was approved by large majorities of the House of Bishops, the House of Clergy, and the House of Laity. In 1927 Parliament took only a few hours to reject the work of twenty years. In 1928 Parliament again rejected the Church's proposal after only two days of debate. An Archbishop's Commission on the Relations between church and state, set up to inquire into this humiliation, came to the verdict that

> it revealed in unmistakable fashion the subordination of the Church to a Parliament which might consist largely of non-Christians and does consist largely of persons who are not members of the Church of England.[6]

While calling for reforms in the relations between church and state, the Commission nevertheless rejected the idea of disestablishment. It urged the value of a national religion, serving as it does as a symbol of an official acceptance of Christian beliefs and ideals by the nation. Bishop Hensley Henson and others could not agree, however, and were, by this action of Parliament, converted to disestablishment. Henson wrote:

> It is indeed apparent that only on the Erastian view of the State's religious omnipotence, could the action of the House of Commons be justified, and only on the Erastian assumption of the Church's complete subordination to the State, could that action be acquiesced in.[7]

The majority of clergy and laity, however, stood by the historic establishment—and the arguments in its favor remained essentially those voiced earlier by the likes of Edmund Burke and Gladstone. Fundamentally, the argument was that disestablishment would result in a loss of various opportunities for advancing the religious ideals of the Church to the nation; that is, it would lead to a secular and fragmented state. The modern argument in favor of establishment was well put by the Archbishop of Canterbury (1928-42), Cosmo Lang. It is the question, he wrote,

> whether in the public corporate life of the nation there is to be any assertion at all of its religious basis, of its acknowledgment of Almighty God, of its concern with the religious life of the people. The old Liberationist policy was clear, logical, and intelligible. It followed from the conception of the State as a sort of police committee protecting the competitive interests of the individuals who composed the State. But surely there has come to us a deeper and wider conception of the State. To some of us it is something which we do not as individuals compose but which as individuals we enter, and which from the very first, by virtue of its own intrinsic character, moulds and frames our life and being. It has an organic unity and spirit of its own, and that character and spirit are built up by tradition and associations running far back into the past . . . a sort of subconscious continuity which endures and profoundly affects the character of each generation of citizens who enter within it. The question before us . . . is whether just there, in that inward region of the national life where anything that can be called its unity and character is expressed, there is or is not to be this witness to some ultimate sanction to which the nation looks, some ultimate ideal which it professes.[8]

What underlies the tradition from Burke to Lang is a certain idea of the state, namely, that the state is an organism with a soul or a personality. Such a conception cannot countenance what it sees as a schizophrenic disjunction between the spiritual and the temporal. Some Americans are today once again arguing that this organic view of the state is the true one and that our constitutional guarantees were never meant to secularize the state and its moral responsibilities. The English critic might respond by arguing that such a view of the "conscience of the state" requires the establishment of religion and the "powers of consecration." The American perception of the organic state is, he would argue, anomalous, given our church-state constitutional provisions. It is so because such a view wants a nation based on certain religious principles and ideals, even perhaps protected by law, but without taking seriously the chorus of objections raised against the notion of a religious consensus. Is the Englishman right?

The 1970s saw an important shift in relations between church and state in England with increased freedom given to the Church. The impetus for change was the Church's continuing concern that it did not have control of its own worship and doctrine; a second issue was over the appointment of bishops by the Crown. Church Commissions were set up to study and recommend changes in both areas. The Chadwick Commission (1970) recommended that the Church remain established but that two changes in its relation to the state be approved: 1) that all matters affecting worship and doctrine should be subject to the final authority, not of Parliament, but of the Church's General Synod, consisting of bishops, elected clergy and laity; 2) and that future bishops should be nominated by a committee representing both the diocese and the Church at large, rather than by the Prime Minister.

The Church's diocesan synods and Church Synod were almost unanimous in approving these recommendations and in authorizing the Synod to approve an alternative service book to the 1662 Prayer Book, which many felt was now archaic and an impediment to the Church's worship in many parishes. Others, alarmed by the possible loss of the historic Prayer Book, sought legal guarantees that it would remain in use. When brought to the floor of the House of Lords and the House of Commons, the retention of the 1662 Prayer Book was hotly debated. The clergy and General Synod came under heavy fire for being "trendy" and unrepresentative. The final vote of Parliament, however, authorized the General Synod to approve, amend, and experiment with alternative forms of service, until 1980, at which time a new alternative prayer book would be approved. However, the services in the Prayer Book were to remain permanently *available* for use. The form of service used in a parish was to be the joint decision of the parish clergy and the parish church council. This left, of course, the possibility that the Prayer Book could fall out of use entirely in most parishes. For many this called in question Parliament's legal responsibilities for the Church, indeed the established church itself. The point was argued forcibly by Mr. Enoch Powell before the House of Commons (see Reading 3). Once again the established church was an issue of debate in the Parliament and the press.

Parliament's concern to retain authority over the Church was clearly evidenced by its intervention into the very worship life of the Church at the parish level through the proposal of a new bill in April, 1981. The Prayer Book Protection Bill required that a parish church use, on one Sunday every month at the principal morning service, the Prayer Book of 1662 if it be requested by twenty parishioners—even if a thousand parishioners were opposed! The bill received a second reading in both Houses but was never put in force. Nevertheless, the incident reveals the resistance of many members of Parliament to increased autonomy for the Church (see Reading 4).

On the matter of the appointment of bishops, on recommendation of the Prime Minister the Church Synod established (1976) a Crown Appointments Commission empowered to submit to the Prime Minister a short list of names for the appointment in order of preference. The Prime Minister, if not satisfied, can ask for a new list but in no case can submit a name not forwarded by the Commission. This is a further advance toward the self-governance of the English Church. Nevertheless, many Anglican laymen and clergy remain profoundly dissatisfied with the state's continuing authority over vital church affairs. For a current discussion of the pros and cons of establishment and disestablishment, see Readings 5 and 6.

Notes

[1] For an extensive discussion of these, as well as the Church's obligations, see Cyril Garbett, *Church and State in England* (London: Hodder & Stoughton, 1950).

[2] Cyril Garbett, op. cit., p. 134.

[3] Ibid., pp. 137, 140.

[4] Edmund Burke, *Reflections on the French Revolution*, Nelson ed. (London, 1958), p. 299. As cited in E. R. Norman, *Church and Society in England, 1770-1970*. (Oxford: Clarendon Press, 1976), p. 17.

[5] W.E. Gladstone, *The State in its Relations with the Church*, 2nd ed. (London: J. Murray, 1839), p. 26.

[6] *Church and State: Report of the Archbishops's Commission on the Relations between Church and State 1935* (London, 1935) i, 41.

[7] Herbert H. Henson, *Disestablishment* (London: Macmillan and Co., 1929) p. 97.

[8] Cosmo Lang, Hansard, *Fifth Series* XIII, 1195, (Feb. 12, 1913). As cited in E.R. Norman, *Church and Society in England 1770-1970*. (Oxford: Clarendon Press, 1976), p. 278.

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Reading 3: Enoch Powell

Address to the House of Commons, December 4, 1974, by the Rt. Hon. Enoch Powell. From *Hansard*, House of Commons, v. 882 (1974-75), Reproduced by permission of the Rt. Hon. J. Enoch Powell and Her Majesty's Stationery Office.

Enoch Powell, a forceful, articulate Conservative Member of the House of Commons, on December 4, 1974 addressed the House on the right of Parliament to regulate by law the worship and doctrine of the Church of England. He further argued that the legally approved Prayer Book of 1662 is what assures the national Church its necessary comprehensiveness.

* * *

From "Address to the House of Commons"

It is often heard out-of-doors, particularly by those who think little about these matters, that it is absurd that this assembly should legislate upon the form of worship and the articles of belief of a Church—that an assembly of which probably not the majority, for all I know, are members of the Anglican Church, which comprises all faiths and none, should sit solemnly considering a matter of the belief and practice of a particular Church. This is a misconception. The House is not debating the form of worship in the Church of England. It is not debating the Articles of Faith and the formulae of assent of the Church of England. It would be absurd if we were attempting to do that in such a debate as this. Indeed, it was to prevent the necessity of that that the 1919 Act, which I believe has worked successfully, was placed on the statute book.

The question being debated today is very different. It is whether the worship and the faith of the Church of England should continue in future, as heretofore, to be regulated by the law of Parliament. That is the question before the House, whether the Church of England, its worship and its doctrine, should no longer be given the force of law by that which gives the force of law to the rest of the laws of this country–the action of this House as part of Parliament.

That is a question which concerns every hon. Member. He may or may not be a member of the Church of England. He may be a Roman Catholic–one of the most important contributions to this debate was made by my right hon. Friend the Member for Stafford and Stone (Mr. Fraser)–he may be a Jew, a dissenter, an atheist. All Members alike have a responsibility for that which is decreed by the law of Parliament and for taking a decision on what should be within the sphere of the law of Parliament and what should not. They are all equally concerned if a great change is to be made in the boundaries of that sphere, especially when that change concerns what is on any view one of the most characteristic institutions of this country.

* * *

A Church, I submit, "by law established" is not a Church which is just referred to in the law and thus finds a place on the statute book, but of which, after that, no definition is given. The concept of such a Church can not be an empty one. In order for a Church to be established by law it must be a specific Church, with a specific belief, and specific forms of worship which correspond to that belief. Indisputably, to this day the Church of England has been such. It is the character of the Church of England, probably unique in the world today, that it is such a Church. We are tonight deliberating whether on balance it is wise that it should continue for a space to remain so.

Those who formed the Prayer Books of 1549–with all its imperfections–and of 1552, and that of 1662, which was carefully and lovingly formed upon the basis of those Edwardian Prayer Books, aimed at what they called comprehension. They aimed at bringing together as far as possible within one formula and one liturgy men of as wide a range as possible of religious feeling and religious instinct. And they succeeded almost beyond belief. It was only a minority which on one side or the other failed to find some sort of a home within that embracing comprehensive formula. In sentence after sentence of the Elizabethan book, which is essentially the 1662 book, one can see how the formulation was designed to accommodate alternative interpretations of those aspects of our religion of which there can be no final interpretation or formulation.

So it succeeded in its initial purpose of being comprehensive. But this comprehensive nature of the Church of England did not desert it through the centuries. It was because the liturgy and the articles of religion, being part of the law of the land, were so difficult to alter, were so near as possible to being permanancies, that in age after age successive waves of thought and religious feeling were nevertheless able to find a place within the Church of England and within its unity. It could accommodate the deism and the philosophy of the eighteenth century. It could accommodate the piety of a Samuel Johnson. Within a few years after Dr. Johnson's death, it was discovered that the 1662 Prayer Book could accommodate both Simeon and Pusey, that with its aid the Church of England could discover that it had not lost the best heritage of the Catholic Church, and that it could at the same time be a Church of evangelism.

The Church was able to do this because all, in their respective endeavours, were bound within the law-made comprehensive formula. The necessity for that has not diminished. The trends and the forces which shook the Church in the last century have not become less violent in the present time, though of course, the sources of doubt, the causes of division, the possible variations of interpretation, are different. Anthropology, sociology, criticism, history, all the rest, like the theory of evolution a hundred years ago, have fed new stresses into the Church and into its faith. And still, because it has this deliberately rigid framework, men and women who, if their inmost hearts could be examined, would be found to have almost incompatibly diverse conceptions, can act and pray and worship and praise together within the Church of England.

The Church owes this, its comprehensive character, to the very fact that its formulae and its liturgy, being established by the law of Parliament, are peculiarly rigid and difficult of change. And now we are asked, deliberately, specifically to remove that rigidity and to substitute the utmost flexibility.

* * *

That is not the Church of England. The Church of England knows nothing of the Synod, but it is still the Church of England. There are still to be considered those millions of men and women to whom it belongs–albeit occasionally–and there are still those in generations yet to come for whom the comprehensiveness of the Church of England will give a religious home, a home in the Church, which otherwise they would not find. The only representatives of that Church of England are those who created the Church of England by establishing it by law, namely, this House.

* * *

Today we have been debating no less a question than the establishment of the Church of England itself—to be, or not to be. I say—and I hope that in doing so I speak for many who would be inclined to favour this measure as well as for those who are resolutely opposed to it—that it is wrong that we should part with it in this way in one debate. I hope that we shall not.

* * *

Reading 4: Hugh Trevor-Roper

Address on the Prayer Book Protection Bill by Lord Dacre of Glanton. From *Hansard*, House of Lords, v. 419 (1980-81). Reproduced by permission of Dacre of Glanton and Her Majesty's Stationery Office.

In April of 1981 a number of Members of the House of Lords spoke out heatedly and harshly against the new freedom of the Church Synod to alter the worship and doctrine of the established Church of England. Among the speakers defending Parliament's legal authority over the Church was Lord Dacre, better known as the eminent historian Hugh Trevor-Roper.

* * *

Address on the Prayer Book Protection Bill

Lord Dacre of Glanton: My Lords, in these few remarks I wish to make only a few, as I see it, cardinal points. First, it is of course said that the State, by previous enactments, has allowed the Church, in religious matters, a certain amount of autonomy and that the balance thus achieved should not now be disturbed. But autonomy is not independence. Parliament has not surrendered its sovereignty. The authority which grants autonomy grants it within limits, explicit or implied, and if those limits are transgressed, it can—perhaps must—intervene to regulate, redefine or even withdraw such autonomy.

If the Church Establishment wants independence, it wants disestablishment. Here I entirely agree with the remarks of the noble Lord, Lord Glenamara. The Church cannot logically demand, as some of its leaders in their recent public pronouncement seem to demand, the absolute freedom of independence combined with all the advantages of establishment. In this particular case I submit that the Church authorities are seeking to break and have, in fact, already broken the express terms of the autonomy conditionally granted to them. They are seeking to change what has been called the lifeblood of the Church. Had they stated openly that this was their intention, would Parliament have granted them that autonomy? I do not think so. But they have adopted what is known as "salami tactics", and now it is they who are effectively disturbing the agreed balance between Church and State; and Parliament, I submit, has the duty in such cases to intervene to protect that balance.

Secondly, it is said that this is merely a question of language; that the language of Archbishop Cranmer is not intelligible today; that it is too archaic for common use; that we should put God at His ease by addressing Him in more familiar tones. My Lords, the language of the Prayer Book (as of the Authorised Version) is not unintelligible. Not only is it part of our literature—all our literature is impregnated with it, and will lose part of its resonance without it—it is merely a little more stately, more elevated, than our everyday language, and can very easily be learned. We all use different levels of language. We speak differently perhaps in this House and in our homes; and within this House we speak differently before the Throne and in the bar. Religion requires elevation in language in order to inspire depth of feeling. The House of the Lord may deserve a little more profundity even than the House of Lords. The Lord Chancellor has said that the Prayer Book will not be preserved by legislation; but it will be preserved by use, and that is all that we ask for—continued, guaranteed use.

It will be said that this movement in the Church is not confined to the Church of England; that liturgical innovation is a general phenomenon of today: a response to the needs of the time, the demands of the young, the claims of the future. How are we to be sure that this demand for ritual innovation is not like so many other demands of the trendy 1960s? Those of us who live and teach in universities know how quickly such fashions change; but we also know how their former advocates—the unreconstructed trendsetters of yesteryear—though increasingly isolated can, by mere survival in key positions, artificially prolong an increasingly obsolete fashion. It would be a tragedy if the inheritance of the Church were to be sacrificed, as it could be, by the mere artificial prolongation of a dated trend.

For who are the advocates of these innovations? Let us be clear on this. They are not the Church. The Church is the congregation of the faithful, clergy and lay alike, and it includes many who loyally adhere without pedantically subscribing. That is the difference between a Church and a sect. An established Church has a particular duty towards the laity: a duty of tolerance and comprehension. The laity is not to be dragged unwillingly forward along a particular road by a party of activists exploiting their customary loyalty and deference.

I would not venture to use this language on such an occasion merely on my own authority. I am echoing the views of a right reverend Prelate who has written to me and authorised me to quote the words which he says he would himself have used had he been here:

"I fear"–writes the Bishop of Peterborough–"that members of congregations and parish councils are pusillanimous when it comes to standing up against the few who have a lust for perpetual innovation".

I hope your Lordships will allow me, as a historian, to glance back over the history of the Church of England. Our Church obtained its distinctive character in the 16th century as the result of a revolt of the laity against a clergy which had lost contact with it. A century later, the same Church of England was in its turn overthrown; its hierarchy abolished, its liturgy suppressed, its property sold, even its cathedrals advertised for scrap. Why? Not because the laity repudiated it, but because even the most loyal of them had been temporarily alienated by the 'innovations' precipitately imposed by a too radical clerical party within it. They stood aside in its hour of danger, and it fell.

How is it, we may ask, that it was, nevertheless, after nearly 20 years of intermission, restored? Because the same laity, during those long years when its outward organisation had been destroyed, kept it alive in the catacombs using, as the last and strongest symbol of its continuing life, the Prayer Book of Archbishop Cranmer. After victory, that liturgy, having proved its almost talismanic power, was reassembled in the 1662 Prayer Book, that very Prayer Book which our modern innovators are seeking quietly to destroy. I hope the laity, which as Cardinal Newman wrote is the real measure of the Church–of any church–will once again prevent such destruction.

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Reading 5: The Case for Disestablishment

From *The Church and The Nation* by Peter Cornwell. Oxford: Basil Blackwell, 1983. Reproduced by permission of the publisher.

Peter Cornwell is an Anglican priest and Vicar of the famous University Church of St. Mary the Virgin, Oxford. He has long been an articulate spokesman for disestablishment. In this essay he counters the arguments that an established church is good for the nation.

* * *

From Chapter 3 "Establishment–Good for the Nation?"

A church could have all the freedom it wanted but be so tied up in the search for its own purity and integrity that it forgot the gospel warning: 'Whoever seeks to gain his life will lose it.' The church lives safely only by giving itself away, by being stamped with the mark of the Servant who washes the feet of the world. So that, even if no great benefits accrue to the church through its ties with the state, attention must be paid to the claim that it is good for the nation. Establishment might have to be accepted if it were of service to the world.

It is argued that the bonds which tie the church to the state bear witness to the unity of the nation under God. Establishment does not allow us to claim the church for God while letting politics go to the devil. Matters secular are held under the ultimate rule of God by a number of powerful symbols. The sovereign, who is both head of state and Supreme Governor of the Church of England, is crowned by the Archbishop of Canterbury. Some of the bishops of the established church sit in the high court of Parliament. The business of political debate is preceded in both Houses by acts of prayer led by the clergy of the national church. National occasions are celebrated in the great shrines of the established church. These symbols, it is argued, show that the nation officially acknowledges Christian beliefs and values. So the Bishop of Durham believes that disestablishment would be bad for the nation 'because now of all times, we need in our nation, some continuing acknowledgements of religious belief and sanctions to give us direction.'

It is easier to grasp the theory than to see that it works in practice. Members of the House of Commons do not show a notable enthusiasm for their daily acts of devotion and it is difficult, in attending a debate, to detect any consciousness of legislating in the presence and under the judgement of God. What difference to the ethos, let alone to the outcome, of parliamentary debate would it make if these daily devotions were abolished? At this point supporters of establishment are apt to point to somewhat elusive streams of healing which are alleged to pass into the life of the nation through the ties between church and state. A mysterious 'X' is added to the quality of the national life, of which countries labouring under the disability of disestablishment are deprived. It is all very difficult to grasp. Are the moral standards of the English manifestly better than those of the Welsh? Studies of religious practice, belief and morality in Europe do not reveal particularly high ratings in those countries which have established churches. Indeed, while Sweden and England have become something of a byword for secularism, it would not take a very sophisticated study to reveal that the Poles were more believing than the English. The theory that society benefits from an established church looks promising but, by any test of effectiveness one may devise, it is difficult to discover evidence that it works. It seems a rather desperate move on the part of the establishmentarian to fall back on the assertion that matters would be even worse were the church disestablished.

Of course symbols can be very important, but they have to be living symbols which point to some reality. Thus the state opening of Parliament continues to work because its symbols continue to say something which is still true and important about the constitution. If the symbols of establishment were earthed in some reality, we could say the same about them, but the fact is that they increasingly have the appearance of religious icing on top of a fairly secular cake. And if that be the case, then we are left, not simply with harmless and amusing ornaments but mischievous purveyors of nostalgia which inhibit us from coming to terms with reality. It is sometimes said that the English have a taste for ceremonial of doubtful meaning–it brings colour to an otherwise drab century. Perhaps bishops dressed up in their convocation robes sitting in the House of Lords could be seen as that.... To put it simply, if the symbols of establishment suggest that the nation deep down holds Christian beliefs, affirms Christian values and offers Christian worship when, for the most part, it does none of these things, then the symbols frankly encourage delusion, and delusion is always a barrier to spiritual advance. Repentance and new life depend on facing how in fact we stand before God. Of course we may gratefully acknowledge that streams of healing do flow into the life of nations from the churches, but they do not flow simply from established churches. In this country as great a contribution comes from the Free Churches and the Roman Catholic Church as from the Church of England. The Christian creativity of the churches in Poland, South Africa, and Latin America springs notably from those without official status or acknowledgement.

The Bishop of Durham's words, 'now at all times', indicate that he sees in the present stresses of our society a particular need for this 'continuing acknowledgement of religious beliefs and sanctions'. If I understand him aright, he is drawing attention to the fragility of our liberal democratic society. The old 'consensus politics' are increasingly rejected by both right and left. The right seeks to roll back the frontiers of the state and revive that more individualistic and enterprising spirit of nineteenth-century laissez-faire liberalism, while the left sees the good society emerging only as a result of laying bare the conflict which lies hidden beneath consensus and facing the radical disturbance which is necessary. A new abrasive and divisive quality has crept into English politics, which flourishes in those cracks in society which recession and unemployment have opened up. While those on the far right and left see this as a necessary moment of truth, others fear that the strain may prove too great for our tolerant liberal democracy. The threat of a totalitarian state, whether of national emergency or of workers' revolution, becomes something more than a nasty nightmare. There are those who see the need to locate and strengthen bonds of national unity. Clearly the monarchy is one such bond, but the Church of England could be another. Here is an institution with branches throughout the country, to which many still turn in times of joy and grief, which can act as a social bond, a bulwark against anarchy and disorder. It is not necessary to share its beliefs to be convinced that the Church of England could play such a valuable role.

* * *

Without being over-dramatic, we take the dangers of our society seriously but believe that they constitute a further reason for breaking the formal ties between church and state. If overnight this country were engulfed by a totalitarian regime, every Christian church would be threatened, for there is no church so free and independent as to be immune from the danger of being used by a determined government. Enforced ecumenism might well serve the interests of the state, and well-intentioned churchmen, frustrated by the inability of the churches to heal themselves, might be beguiled by statesmen succeeding where synods have failed. Yet a church with existing state ties, whose chief officers can still be chosen by the prime minister and whose liturgical performance can be the subject of Parliamentary censure, is clearly more at risk than any other. It is sobering to listen to a German Christian recalling the almost imperceptible way in which that national church found itself taken over and used by the Nazis. Who, hearing that tale, can doubt that the church which best served the nation in that crisis was the sturdy independent Confessing Church, which perceived its main service as the preservation of the integrity of the gospel? Although in the past such tales have been met with a stubborn belief in the indestructibility of English institutions, the Bishop of Durham shows no such complacency. Indeed it takes no heated imagination to contemplate a scenario in which a government of national security found itself appealing to 'traditional values', attacking permissiveness and calling for a more bracing discipline. With such a bait dangled before them, who could be sure that there would be no church leaders, no rank-and-file Christians, who would not fall for it and thus find themselves acquiescing in the suppression of all manner of civil liberties? If such a threat be not unreal, there is reason while there is still time to distance ourselves further from the organ of government.

So far we have considered alleged social benefits of establishment, which, by their very vagueness, elude careful scrutiny. It is with some relief that we now come down to earth to consider one particular aspect of the church–state relationship. Along with the Archbishops of Canterbury and York, twenty-four senior bishops sit by right in the House of Lords. Here, at least, is a point where establishment can be evaluated and might prove to be of service to the nation.

* * *

This grasp of the present moment makes us ask more urgently, 'What is the appropriate form of Christian involvement in the world?' The bishops in the House of Lords are symbolic figures but the trouble is that the symbols are saying the wrong things. They speak of a clerical and labelled Christian presence in the affairs of the nation at a time when the situation calls for a presence which is lay and anonymous. While bishops are in the House of Lords because they are bishops, in a pluralist society influence is exercised not by who you are but by your degree of competence and understanding of the situation. The fact that some bishops are, amidst all their other duties, almost miraculously competent is a bonus, but beside the point. The spotlight falls in the wrong place. The symbol encourages the still lingering belief that, for the church to be present, a clergyman has to be wheeled in. We politely acknowledge the royal priesthood of the laity but, continuing to act on clericalist assumptions, remain blind to the immense potential of the church in the world. Instead of for ever going on about 'sending Christians out into the world', praying those terrible 'heave ho and out we go' prayers which are such a lamentable feature of our modern liturgies, the need is to recognize that Christians are willy-nilly in the world and that the real task is to convince them that they, and not a gaggle of priests, are there the agents and representatives of Christ. The church is present where they are present. What we have lost in terms of advertisement, we have gained in terms of effectiveness, for the church present in its laity is more deeply immersed in particular situations and thus less likely to escape into woolly generalizations. The anonymity of this presence is gain, not loss, a presence more faithful to the gospel images of the yeast hidden in the dough or the unseen salt. Here is Kierkegaard's 'knight of faith,' the ordinary man who merges with the crowd, who looks like an inspector of taxes, who makes 'the movement of infinity ... with such precision and assurance that he possesses himself of the finite without anyone suspecting anything else.' Here is the disciple whose life is hid with Christ in God, whose faith is forged in the secret place. If the removal of bishops from the House of Lords were to be read as the church opting out of the life of the nation, that would only show what a wrong and muddled idea of the church's involvement we have projected through such symbols.

In probing the role of bishops in the House of Lords we see the danger of the tasks of prophecy and politics being distorted by the church–state link and Christians slipping into a middle region which is neither seriously prophetic nor political.

* * *

A free church could be a selfish church, using its freedom to escape from responsibility to society. Whether established or disestablished, the church has no immunity from sin. Yet if we serve the nation with the integrity of the gospel, we are less likely to find ourselves amongst the crowd of court prophets than with the prophet Amos. The state's response to such a church is likely to be that of Amaziah to Amos: 'O seer go away to the land of Judah and eat bread there and prophesy there; but never again prophesy at Bethel, for it is the king's sanctuary and it is the temple of the kingdom.' And then we shall have, with Amos, to learn to be without a privileged role in society, content simply to depend on the word which God has spoken. 'I am no prophet, nor a prophet's son; but I am a herdsman, and a dresser of sycamore trees, and the Lord took me from following the flock and the Lord said to me "Go, prophesy to my people Israel."' (Amos 7:14–15)

The Church of England has a distaste for conflict with the state and that is understandable, for who would have conflict where there is none? But so strong is this distaste that conflict will not be faced when it is there. Gallant though the Board for Social Responsibility's working party was, less edifying was the hustle of its parent body and of other leading churchmen to disown its report. Honest disagreement was legitimate and indeed healthy, but the anxiety to smooth things over and show there was no conflict between church and state less so. There are particular reasons why churchmen should be jumpy about any further withering of the church–state links. The state is taking notice of the Church of England in a way which it never did twenty years ago. Indeed it may be that Parliament has no interest in possible rupture for, in the divided state of the country, a national church could prove more useful than nationalized railways. It would not be a matter of swinging the Church of England back to being 'the Tory Party at prayer', just that it should behave itself, concentrate on personal morality and provide the bromide of a soothing liturgy. The bonds of establishment could come alive again and the national church be given a useful and honourable place in society. It is a possibility not without allure for churchmen because, as we shall see, it offers the Church of England a purpose and identity at a time when it desperately needs both.

* * *

Reading 6: A Defense of Establishment

Taken from *Church and Nation in a Secular Age* by John Habgood. Published and © 1983 by Darton, Longman and Todd Limited, London and is used by permission of the publisher.

John Habgood is the present Archbishop of York. He has held university teaching positions and is a highly respected theologian and churchman. Here he offers a number of reasons for defending the establishment of the Church of England.

* * *

From Chapter 6 "Establishment"

Established churches on the whole receive a bad press in sociological writings. Words like 'anachronism' and 'marginality' abound. Such churches are accused of clinging to a meaningless facade of social importance, whose substance has long since disappeared. Worse still, establishment is seen as encouraging active collusion with the social order. Establishment-minded churchmen, we are told, enjoy the appearance of success, a success bought at the cost of merely reflecting the social values of their day. It would be better to face facts, undo the remaining links between church and state, and let established churches find their freedom as one denomination among others.

* * *

First, though, it is important to dispose of a frequent source of confusion. The word 'establishment' is currently used in two quite distinct senses. There is a limited, technical, meaning, as when a church is described as 'established', where the word signifies an official and more or less well-defined relationship between church and state. The actual legal content of this may be quite small, as in the case of the Church of England, but it may have many overtones derived from history and convention. There is also a broad, and comparatively modern, use of the word 'Establishment' to refer to a nexus of people in English society who operate as a kind of 'master class', top politicians and civil servants, leaders in the various professional worlds, including leading churchmen, the editor of *The Times*, members of famous clubs, the key people with a vested interest in society as it is, and who, it is supposed, confer together to 'fix things'. In this second sense Establishment is an omnibus term for the real or imagined elite at the centre of English society.

* * *

In what follows, I shall be using the word 'establishment' entirely in its first and technical sense, and will hope to show that its actual connotations are very different from those usually fastened on it by its critics. My concern is with its practical significance in England here and now.

What are the objections to it?

(1) It is said to be unreal, to invite delusions of grandeur, and to be positively misleading in obscuring the true, and desperate, state of religion in England. Hensley Henson was making the same point fifty years ago, when the statistics of church attendance were a great deal more healthy than they are now.

> Like a magnificent roof ravaged by the death-watch beetle, yet marking by its splendid appearance a fatal though unheeded weakness, our ancient national Establishment, stripped of meaning and

> void of power, still dominates us by its aspect of immemorial and unalterable authority. It is a noble facade without a building behind it . . . it is our plain duty to face the fact that, in the circumstances of our modern world, national establishment is for Christianity unwholesome and potentially destructive. . . .

But is, or ought, establishment to be conceived primarily in terms of power and grandeur? No doubt it once was. The temptation to equate 'reality' with power is one of those delusions from which advocates of disestablishment want to deliver the church. I am not myself convinced that disestablishment is necessary for this task. The facts of life will do it by themselves. But suppose such deliverance from this particular temptation were to take place, what then? Might it be that the 'reality' of establishment, the 'reality' of which power-seeking is a distortion, would be discovered elsewhere?

For myself, and I suspect for a great many Church of England clergy and laity, the point of impact of establishment in parish, as well as in national life, is found, not in power-seeking, but in the impetus it gives to some of the perceptions described in the last chapter. As its critics have rightly seen, folk religion is one of the key issues. And in this context the reality of establishment expresses itself through a sense of responsibility for the nation as a whole, and in particular for those whose religion is mostly inarticulate and submerged.

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As I see it the difference, such as it is, made by the fact of establishment, comes to light primarily in the instinctive reactions of Church of England members towards those who are not actively members of any particular church. For members of non-established churches there is always a prior question to be asked: What are my grounds for being concerned with this or that person? For members of an established church the sense of responsibility is instinctive and natural. I say this not in any way in criticism of other churches.

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To be conscious of belonging to a national church is to be given a broad sense of responsibility for all and sundry. The motive for exercising that responsibility may, and should, be rooted in the Gospel, but the way it is perceived cannot help being affected by the context. And it is not just feelings of responsibility which make a difference. It is the knowledge that one is on the receiving end of perceptions that one *ought* to be responsible. People have expectations of an established church which they would not have if it were not established. Whether these are helpful or unhelpful, good or bad, is not for the moment the point at issue. The fact is that they exist.

This shared admission of responsibility, though in many cases it may be minimal in extent and virtually impossible to fulfill, is a major part of the continuing 'reality' of establishment. The fact that it is a legal responsibility, openly acknowledged by both church and nation, reinforces the perceptions which underlie it and which would probably not survive in the long run without this public backing.

(2) A corollary to the claim that establishment is unreal and invites delusions of grandeur, is the charge that it smacks inescapably of privilege. The fact that it is easy to treat it in ways which raise nonconformist hackles has already been mentioned. But it is the whole style of a church in which bishops hobnob with Top People, in which Christian involvement in politics is thought to be satisfied by an episcopal presence in the House of Lords, and which gives the appearance of being important even if the substance is lacking, that gives offence. What have ancient privileges and worldly honours to do with serving a crucified Lord? And what can a church which seems to exude an air of effortless superiority say to the poor, the powerless and the underprivileged?

There has been much writing on this theme in recent years, both from a national and an international perspective. In a recent Church of England consultation with overseas assessors the issue of establishment, which at first caused puzzlement and misunderstanding among the visitors from other churches, was ultimately refined down to this single issue of the church's privileged style. The criticism is a serious one and I do not pretend there is any easy answer without some radical changes in the way establishment is understood. A clearer separation between establishment and 'the Establishment' might be a first step in this.

But there is another side of the picture, expressed very powerfully by Daniel Jenkins, and all the more striking in that it comes from a Welsh dissenter. He castigates the Church of England for trying 'to sidle quietly out of the responsibilities of establishment', of being 'more interested in herself as an institution than she is in England', and 'failing to think imaginatively enough about the future of England in the light of the Christian faith.' He laments her relative failure to minister appropriately to those who carry enormous responsibilities, many of whom 'are hard pressed to find someone independent and trustworthy to whom they can talk about their personal and public problems. The Church of England would appear to be quite magnificently equipped to provide the help which they need.' He doubts whether disestablishment would give her freedom to minister to the nation in new ways.

> The present arrangement limits that freedom only marginally. What would be much more likely is

> that large areas of her life would fade into the amiable and nostalgic dimness of a body like the Church of Ireland in our time. But that would not be the whole story, for the Church of England has been too much involved for that to happen over the whole of her life. What would also happen would be that the things which the Church of England has done well in the past will no longer be done, with grave social consequences. If she gives up trying to help those in authority avoid the corrupting influence of power, and contents herself with being the domestic chaplain of those who once held power, along with their retainers, she and they will decline into a querulous and lonely old age while those in real power go their own way.

He goes on:

> She may miss many of the opportunities of effective influence which are open to her in the common life of England and of Britain as a whole unless she resists her present tendency to regard being established as a burden to be shrugged off rather than an inescapeable responsibility which she has inherited, and which has been a major factor in making her what she is.

Talk of privileges, in other words, misses the point. Mere privilege is to be deplored. But privilege which comes as the other side of the coin of responsibility can only be avoided by shirking the responsibility. Let me illustrate the point with reference to bishops in the House of Lords.

To those who do not know it from within, the House of Lords can seem the haunt of privilege *par excellence*. But when one tries to spell out in concrete terms what the actual privileges are, they do not seem nearly so impressive. A place to hang one's coat and park one's car and eat a reasonably cheap lunch in central London; an expense allowance which just, only just, covers costs; access to a library and parliamentary papers; contact with interesting people; a public platform. The rest is sheer hard work. It is, of course, a privilege to be able to play a part in the processes of government, but when one is actually engaged in it the responsibilities, the hours spent in reading papers, preparing speeches and listening to the interminable speeches of others, loom much larger. The so-called privileges are simply the necessary conditions for doing the job.

But, says the critic, it is not these things which are summed up in the word 'privilege'. It is the fact of bishops being there at all. Indeed, it is the fact that the House of Lords is there at all. Why not be satisfied with lay Christians doing a lay job, and winning their right to do so by being elected?

These are large questions which deserve much more than the paragraph or two I can give them. Both Houses of Parliament, of course, contain many lay Christians of all denominations who do not hide their Christianity. The bishops are not, and do not pretend to be, the only Christian spokesman. They do, however, constitute a visible and permanent reminder of the relationship between Church and State. The fact that they are not peers in the ordinary sense but form part of a distinct section of the House, the Lords Spiritual, the fact that they sit on separate benches and, unlike other peers, wear robes when attending debates, emphasize the point that it is their presence as *bishops* which is significant. Many bishops have in the past, and still do, make a valuable contribution as individuals to the work of the House. But in a field of activity which is rich in symbolism of many kinds, it is the symbolism rather than individual success or corporate power, which is important and which still manages to represent a residual national commitment to the Christian faith.

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(3) A third major objection to establishment centres on the spiritual freedom of the church. A fashionable way of expressing it is to ask whether an established church can be prophetic.

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The question about freedom is answered relatively easily. There are nowadays very few restrictions on the freedom of the Church of England to do what it decides is right. Parliamentary control of legislation operates within strict limits and is almost wholly concerned with the protection of the rights of citizens in what is appropriately regarded as 'their' church. On the rare occasions when there are tensions between Church and Parliament, the key issue is always whether a relatively small elected body of church activists is competent to speak for the inarticulate religious life of the nation.

* * *

But what about the principle? How can a church claim to be free when its chief officers are appointed by somebody who need not even belong to it? Put like that, the implied criticism in the question is hard to counter. But the question is itself highly misleading. It ignores the subtlety of the procedures and the safeguards built into them. Nobody can become a bishop unless the church, through its Archbishops, is willing to consecrate him. To veto a particular appointment by a refusal to consecrate might be costly in terms of Church/State relationships, but it remains a perpetual possibility, and hence an ultimate guarantee of freedom.

The question also overlooks the very restricted nature of the choice available to a Prime Minister. The restrictions lie, not only in the procedures themselves, but in the size of the constituency from which appropriate appointments might be made. It is not hard for the Appointments Commission to have ample evidence about all conceivable candidates.

More fundamentally the question sidesteps one of the major implications of being a national church, namely that bishops are expected to be more than diocesan pastors, but have an inescapable national role. Dunstan makes the point succinctly:

> Are bishops and deans still to be men of such stature, and their offices still of such significance, that they count for something in the national life? that it matters who shall occupy these positions? If so, the Crown is the apt embodiment of the national interest.

The precise way in which this national interest should be represented is a subject for continuing debate, and the present system is certainly not the only possible one. But to make the appointment of bishops wholly a matter for the more active members of the visible church community, would be to make a theological choice about the nature of the church, which would in the long run be incompatible with establishment, and could well be restrictive rather than liberating.

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A church which includes within its activities a ministry towards those with secular power, whether at national or local level, is bound to react differently from one whose 'prophecy' is delivered from a distance. This can look like subservience. 'Power corrupts', says the critic. And if it does not actually corrupt, at least it generates caution, the fear of losing favour and privileges. There is an uncomfortable element of truth in such accusations.

But there is more truth, at least within my own experience, in the perception that the key difference made by proximity to secular power is not one of attitude, but one of knowledge. To be close to those in power is to have some first-hand knowledge of the complexity of the actual choices facing them. This has a devastating effect on prophetic certainties. And actually to share responsibility is even more devastating. It is trite but true that it is easier to solve the world's problems in the comfort of a distant armchair than to decide in minute particulars what actually needs to be done.

As I see it, the world of the powerful–and I am thinking of politicians in particular–needs two kinds of help from a church responsive to the voice of prophecy. They need help in holding onto some distant simple vision; and they need help in actually facing the conflicts and contradictions on the road.

* * *

The key question is what this analysis tells us about establishment. Is an established church likely to lose its spiritual freedom and insight through proximity to the sources of power? If I am right, there is more danger that it may lose the simple vision, than fail to respond to complexity. Its ministry can therefore become lop-sided, and this is a real weakness; but it is not necessarily an argument for disestablishment. It would seem to me rather an argument for maintaining close links with dissenting traditions of various kinds in which the capacity for simple vision is sharper. This is what already happens to some extent within the British Council of Churches, and it is no accident that its social pronouncements are usually a good deal more radical than those of the Church of England. It is significant, though, for the argument which will follow, that some of the spiritual freedom of the Church of England is thus seen to be entailed in the freedom of bodies outside it.

(4) The fourth objection to establishment follows from this and can be dealt with much more briefly. It is a two-pronged argument from ecumenism. It is argued, first, that establishment is a hindrance to ecumenism, in that non-established churches would not be prepared to accept its conditions in the event of full organic union. The second prong is that ecumenism has made establishment unnecessary in that the former national responsibilities of the Church of England are now more properly exercised by ecumenical bodies like the British Council of Churches.

In the somewhat bleak ecumenical climate following the rejection of the Covenanting proposals, the arguments may seem less strong than they were, but they remain important, particularly the latter.... In any conceivable ecumenism of the future there is likely to be a great deal of diversity. This is not only because churches do actually differ, but because they need each other's differences to make up their own deficiencies. The differences can be made to complement one another. I see no reason, therefore, why within this kind of diversity one church, or section of a united church, should not accept particular responsibilities formerly associated with establishment, and regard them as a service performed by that church on behalf of the others. In just the same way another church, or section of the church, would continue to represent the necessary element of dissent.

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So far in this chapter I have examined the four major objections commonly made to the establishment of the Church of England. I have conceded that there are some strong arguments, and that the character of its establishment has changed and needs to change still further. There are no absolutes in these matters. It is a question of making a particular judgement at a particular time and place. In my present judgement the overall case for disestablishment, now or in the forseeable future, is not convincing.

One almost inevitable consequence of disestablishment would be the alienation of large numbers of people whose residual allegiance to the Church of England is bound up with the perception that in some obscure way it represents 'England'. The allegiance of many such people is already under severe strain. Religious purists would like to see them go, and would welcome disestablishment for precisely that reason. I myself believe that their departure would be a tragic loss, for them, for the church and for the nation. There, in a nutshell, is the heart of the choice.

Brief reference was made to the possible effect of disestablishment on the Crown. The link between the Monarchy, the sense of national identity, and the persistence of a national commitment, however tenuous, to one kind of religion and morality in preference to others, needs much more careful exploration than can be given it here. In particular it would be interesting to know what effect, if any, the Queen's relationship to the Churches of England and Scotland has on the way she is perceived in these nations, and whether this differs from perceptions in Commonwealth countries without established churches. It might be discovered, for example, that something of the religious dimension of her office in Britain carries over into these other contexts. Manifestly it does so in her own person, but there might be more to it than that.

In fact it is difficult to know what a purely secular monarchy would look like. The mystique of the Crown has irreducibly religious roots, and at the very least secularization would result in a drastic loss of symbolic overtones. It would also remove a unique point of contact between secular and religious authority. There are reasons to be cautious, therefore, about supposing that disestablishment would leave the Monarchy untouched.

A second reason for caution about unsuspected losses through disestablishment is not perhaps highly relevant at present except on odd occasions, but might become so if nationalistic feelings and 'little Englandism' were to increase. The huge implications of living in a shrinking world, of growing interdependence between nations, of global problems which can only be solved by much more international co-operation than the world has been accustomed to in the past, this whole urgently important dimension of modern existence has so far been deliberately relegated to the background.

But even if nations may try, foolishly, to live for themselves alone, no church can afford to do so. A Christianity which has lost its international vision has lost its hold on the Gospel. One of the constant tasks of a church, therefore, in relation to national life, is to keep on opening up this international dimension, to be supportive of the nation without being seduced by nationalism, to affirm national identity, while showing its dependence on a similar affirmation of the identity and well-being of others.

An established church, with a growing consciousness of its own international and ecumenical dimensions, is in a potentially strong position to give just this kind of witness, unwelcome though it may sometimes be. Only the Church of England could have insisted on counter-balancing the nationalistic thrust of the Falklands celebrations, precisely because of its relationship to the nation. And the fact that it did so was a direct consequence of its developing relationship with the Anglican Communion and other world Christian bodies. It may seem bizarre to value a national church as one of the antidotes to nationalism, but this is because a church which is true to itself can never *just* be the church of the nation.

* * *

Reading 7: Accepting Establishment?

From *Church and State in Britain Since 1820*, ed. David Nicholls. London: Routledge and Kegan Paul Ltd., 1967. Reproduced by permission of the Free Church Federal Council.

The Free Church Federal Council is an agency formed to provide for cooperation and joint action by the Nonconformist churches in England. The passage is taken from a 1950 report of a Commission on Church and State appointed by the Council called *The Free Churches and The State*.

From "The Free Churches and The State" (1953)

. . . Though Free Churchmen reject the State **control** of religion they welcome State **recognition of religion.** We do not desire to see a secular State in England. We hold it right, for example, that public education should be on a Christian basis, and that there should be chaplains in our hospitals and in the armed forces. It is right that on great national occasions, such as a Coronation, there should be solemn acknowledgment by the State of the ultimate sovereignty of God. Having said this in reply to documents submitted to it by the Joint Conference of Representatives of the Church of England and the Free Churches in 1938, the Free Church Federal Council went on to say: 'We should welcome a thorough examination of the forms in which such State recognition of the Church may be accepted without impairing in any way the independence of the Church in the discharge of its proper functions. We recognize that the increasing complexity of the structure of modern society involves an expansion of the functions of the State to preserve and promote culture and morals, and that, in order to protect these higher values against secularization, a closer co-operation of the activities of the Church and of the State in those spheres is necessary, and should be encouraged, so long as the distinction between these two organs of the thought and life of the nation is preserved.' It would be easy by ill-considered proposals for disestablishment to jeopardize the existing valuable co-operation between Church and State, in which the Free Churches have come increasingly to share. As Dr. Payne points out, the Free Churches have in recent years accepted forms of State aid and recognition at which earlier generations of Free Churchmen might have looked askance.

Questions for Discussion

1. What religious assumption underlies the idea of a state or people's (Volk) church? Does the pluralism of contemporary society make a state church out of date and unjustified? Why do you suppose the non-established churches in England no longer vigorously work for the disestablishment of the Church of England?

2. In the past century and a half the English Church's monopoly over many spheres of life has been removed by Parliament. In view of this, is establishment too high a price to pay for the remaining rights and privileges?

3. Assuming that the non-established churches and religious groups are insured full freedom, as they basically are, is there not a religious case to be made for state recognition of and obligations toward religion?

4. What view of the state is envisioned by defenders of an established church, such as Gladstone and Archbishop Lang? How does this differ from the view of the state held by Luther (Chapter 5) or a Mennonite (Chapter 7), or a secular liberal?

5. What are some of the current arguments against a state church, for example as voiced in Reading 5?

6. What are some of the current arguments in favor of an established church, for example as voiced by Enoch Powell, Lord Dacre, or the Archbishop of York?

Suggestions for Further Reading

Cornwell, Peter. *The Church and the Nation: The Case for Disestablishment*. Oxford: Basil Blackwell, 1983.

Garbett, Cyril. *Church and State in England*. London: Hodder & Stroughton, 1950.

Habgood, John. *Church and Nation in a Secular Age*. London: Darton, Longman and Todd, 1983.

Norman, Edward R. *Church and Society in England 1770-1970* Oxford: Clarendon Press, 1976.

Chapter Four

Chapter Four

The Roman Catholic Position and Its Development

Can there be a real distinction between church and state and yet supremacy be given to the church in certain matters common to both?

In a theocracy and in those nations which maintain an official state church, the establishment of religion is provided for constitutionally or legally. In the history of the Roman Catholic Church there is a tradition of long standing which is neither theocratic nor *requires* the legal establishment of religion. Historically, of course, the Roman Church was legally established in many predominantly Catholic nations of Europe or at least it was recognized as holding a "special position," for example as "the sole religion of the state." However, legal establishment was and is not essential. There is, then, an important tradition of church-state relations that offers an option distinct from the two discussed previously.

The Roman Catholic Church is, certainly, one of the world's oldest and most complex institutions. The position taken by the Church in its relation to the state has not been simple or uniform. There are, however, certain principles which, though open to a latitude of practical applications, are normative of the Roman Catholic position. They can be summarized as follows:

1. The ecclesiastical authority is distinct from the civil authority and each has its own sphere of jurisdiction and each should be free to carry out its distinct mission;

2. Nevertheless, for the well-being of humanity, it is important that there be harmony, agreement, and cooperation between the ecclesiastical and civil authorities;

3. Finally, on matters pertaining to both, the powers of the civil authority must be subordinate to the guardianship of the spiritual order.

This normative Roman Catholic position is well summarized by a prominent Catholic political theorist:

> At the outset it should be pointed out as obvious that no Catholic could accept the union of church and state which would blur the distinction between the two. The Catholic also rejects the principle of modern positivism that makes every act of the state legal because it is enacted by the state—a doctrine that sets aside divine or natural law as a standard by which all political acts must be measured. The Catholic also refuses to accept any idea of separation of church and state which sets off each in an isolated compartment, each part having no relationship in cooperating for the common good. The Church cannot ignore men's temporal needs. . . . To set off the two spheres, temporal and spiritual, in an artificial manner is wrong in theory and impossible of realization. The state will either be friendly to religion or hostile—there is no middle ground. . . .
>
> The Church conceives of herself as a perfect society, just as the state is, but having an end more important for man than any purely human organization. . . . Therefore the state and the end it serves is subordinate to the spiritual order. . . . The principle is not abrogated by the difficulty of its application.[1]

It has been argued that Christianity introduced a new principle in the relations between church and state, namely, that the two are to be distinguished without either confusion or separation. Not all would agree with the position, but it is certain that relatively early in its history the Christian Church acknowledged the relative autonomy of the civil authority and the importance of obedience to the temporal ruler, without any idea of a separation of the two realms. St. Augustine (354-430 CE) regarded the state as a *divine* remedy for man's sinful and anarchic nature and called for obedience to temporal authority. However, absolute and final obedience, he held, is owed to God alone.

This distinction between the two spheres of authority was given its classical formulation by Pope Gelasius I in a letter to the Emperor Anastasius I, written in the fifth century:

> There are indeed, most august Emperor, two powers by which this world is chiefly ruled: the sacred authority of the Popes and the royal power. Of these the priestly power is much more important, because it has to render account for the kings of men themselves at the Divine tribunal. For you know . . . that although you have the chief place in dignity over the human race, yet you must submit yourself faithfully to those who have charge of Divine things, and look to them for the means of your salvation. . . . For if in matters pertaining to the administration of public discipline, the bishops of the Church, knowing that the Empire has been conferred on you by Divine instrumentality, are themselves obedient to your laws, lest in purely material matters contrary opinions may seem to be voiced, with what willingness . . . should you obey those to whom is assigned the administration of Divine mysteries.[2]

One notices that Pope Gelasius' position, while clearly distinguishing the two powers, leaves ambiguous the actual limits of each authority and over the centuries both powers made use of Gelasius' theory to uphold their own prerogatives. Church authorities appealed to him, as might be expected, in order to assert the superior authority of the Church, while affirming the distinction between the two spheres. This was the position of the great medieval pope, Gregory VII (pope 1073-85). His position has been summarized as follows:

> Secular government is necessary and it is not in itself evil, but by nature the authority of the bishop is above it just as the spiritual part of man is superior to the carnal. . . . This did not mean that the pope was above the king in secular matters; it did not imply that the pope had any strictly secular authority whatever. The pope, in Gregory's view, was not temporal lord of the world, not even the Christian world. *He was pastor of the flock of Christ.* But as such it was his duty to see that the flock received no harm, *and he must take any measures necessary for its defense and welfare* (latter italics added).[3]

The classic Roman Catholic position was articulated by the theologian St. Thomas Aquinas (1225-74), who in the modern period has been recognized by popes as the Church's most authoritative theological teacher. Thomas, unlike St. Augustine and Luther, viewed the political order not simply as a "remedy for sin," but saw in the state a natural order, a positive force designed by God for the promotion of human welfare. He thus gave to temporal authority great dignity and importance. It is not, however, humanity's ultimate end or highest allegiance. St. Thomas writes:

> Now there is a certain good, extraneous to man as long as he is in this mortal life: namely, the ultimate beatitude which he hopes for after death in the enjoyment of God. . . . But if, indeed, they [men] could attain this end [enjoyment of God] by the virtue of human nature, it would necessarily belong to the office of king to direct men to this end. For we suppose him to be king, to whom the height of rule in human things is committed. . . . But because man does not attain the end of enjoyment of God through human virtue but by divine virtue . . . therefore to guide men to that end will not belong to human government, but to divine. Therefore in order that spiritual things might be distinct from earthly things, the ministry of that government was not committed to earthly kings but to priests and especially to the highest priest, the successor of Peter, the Roman Pontiff, Vicar of Christ, to whom all the kings of the Christian people ought to be subject, as they are to the Lord Jesus Christ. For thus those to whom belongs the care of antecedent ends ought to be subject to him to whom the care of the ultimate end belongs, and to be directed by his command.[4]

The distinction between the civil and spiritual powers with the concomitant supremacy of the latter in matters of common interest is expressed through the doctrine of the Church's "indirect power" in temporal affairs. It was formulated by Cardinal Bellarmine (1542-1621), the leading modern advocate of Ultramontanism*:

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*Ultramontanism (*ultra + montanus*, meaning "beyond the mountains") is the doctrine in which European Roman Catholics looked to Rome, i.e., favored papal supremacy.

> We understand by indirect jurisdiction that which the Sovereign Pontiff possesses over temporal things in view of a spiritual end. The Papal power is specifically and of its very nature spiritual in character and it only aims directly, and as a first object of its activity, at spiritual affairs. *Indirectly, however, that is to say when such means are necessary in order to obtain spiritual ends, it intervenes also in temporal affairs*, which are regarded as a secondary object with which the spiritual power is only concerned in exceptional circumstances.[5] (Italics added.)

The Church's "indirect power" is, in theory, to be exercised only in those circumstances in which the Church's spiritual well-being is threatened. However, Bellarmine and other advocates of Papal supremacy saw the two powers as in fact linked together, forming one *respublica Christiana*, one single kingdom—with the ecclesiastical authority possessing ultimate sovereignty.

The nineteenth century witnessed a resurgence of Bellarmine's form of Ultramontanism. And it achieved its official *imprimatur* with the dogmatic declaration of papal infallibility at the First Vatican Council (1870), during the reign of Pope Pius IX. Ironically, the authoritative sanction of papal supremacy over the spiritual domain was accompanied by the loss of the papacy's temporal power with the occupation of the Papal States by the Italian troops (1870). The point, however, is that despite the pope's unique spiritual authority, the Roman Church during the past century has held fast to the distinction between the ecclesiastical and civil authority. It has continued to affirm that the power of civil authority comes from God by means of his people who may establish any form of government, so long as it serves the common good and assures harmony and cooperation with the Church.

To say, however, that the Roman Catholic Church has, between the two Vatican Councils (1870-1962), acknowledged the relative autonomy of the State and a variety of legitimate forms of government, as well as the reality of the modern, religiously neutral state, does not mean that the Church has championed liberal democracy and modern civil liberties as political or moral ideals. That was to wait until Pope John XXIII (1958-63) and the Second Vatican Council (1962-65).

The Church's guiding theory until recently—based on the three classic principles enumerated above—is well illustrated in two important encyclicals of Pope Leo XIII (1878-1903). When Leo came to the papal throne, the Church's relation to the modern state in Europe was desperate. Nationalism and a growing anti-clericalism made states such as France, Germany, and Italy hostile to the Vatican. Leo had the formidable task of preserving the Church, and its allegiance to divine and natural law, in countries increasingly democratic, secular, and neutral, if not unfriendly, toward religion. Leo's teachings were guided by a distinction between the "thesis" (what the Church desires ideally) and the "hypothesis" (or acceptance of less than the ideal in order to protect broader interests of the Church in the society). This expedient policy can be observed in the Encyclical *Immortale Dei*, 1885 (see Reading 8).

Leo recognizes the distinction between the civil and ecclesiastical powers and affirms that the Church is committed to **no particular form of government.** However, the encyclical is consistent with the long-standing view that the state must make a "public profession of religion," moreover, that "we are bound absolutely to worship God in that way which he has shown to be his will." Leo proceeds, then, to reject the separation of church and state, private judgment and religious freedom, and toleration of religion **as political ideals.** However, he acknowledges that while it is "unlawful to place various forms of divine worship on the same footing as the true religion," he does not, on that account "condemn those rulers who for the sake of securing some great good, or of hindering some great evil, tolerate in practice that these various forms of religion have a place in the state." Such an expedient policy results, it is clear, in the application of a double standard: freedom for the Church when it is in the minority but privilege and the possible refusal of civil liberties to other religions when Catholicism is the prevailing religion in the state.

In his encyclical *Libertas praestantissimum* (1888), Leo offers a classic discussion of human liberty as established in divine and natural law, observing that "the eternal law of God is the sole standard and rule of human liberty" and therefore that "it is contrary to reason [hence true liberty] that error and truth should have equal rights" (see Reading 9). Nevertheless, again Leo acquiesces in the Church's approving "certain modern liberties, not because she approves them in themselves, but because she judges it expedient." Until recently this has been the Roman Church's *modus vivendi* between Christ and Caesar. The necessity of some accommodation and expediency, in view of the changing nature of the modern state, is evident in the series of Concordats into which the Church has entered, often with secular governments. The Church's freedom and privileges have often been purchased at a high price through these Concordats (see Reading 10).

Leo XIII and subsequent popes, for a half-century, appear to have viewed the American constitutional arrangement regarding church and state as appropriate only in the unique circumstance of a significant religious plurality. However, roughly at the time of the Second World War, new and persuasive voices, such as those of Jacques Maritain and John Courtney Murray, began to call for a modification in the Church's view of relations with the modern democratic state. The traditional position continued to be widely held, nevertheless, and it was the dominant view expressed in popular manuals of theology and in textbooks. It is the position exemplified in the writings of Francis J. Connell, C.S.S.R. Connell argues that in predominantly Catholic countries, even democratic ones, the Church should receive privileged status and protection. Moreover, it is within the civil authority's right to restrict the public activities of heretical or false religions. "I do not assert," writes Connell,

> that the State has the right to repress religious error merely because it is error; but I believe the State has the right of repression and limitation (although often it is not expedient to use it) when error is doing harm to the spiritual interests of Catholic citizens. For the spiritual welfare of the citizens pertains to their temporal wellbeing.[6]

Here one can see the precept of mutual harmony and agreement at work, as well as the principle of the guardianship of the spiritual order.

The difficulty with this position, perhaps insufficiently observed even by Leo XIII, is that it is not compatible with the Church's more recent acceptance of constitutional democracy as **a legitimate form of government,** since democracy would appear to **require** freedom of public expression. These issues were clarified with the coming of Pope John XXIII and Vatican II.

In his encyclical *Pacem in Terris* (1963) John XXIII affirmed as Catholic teaching not only the right to freedom in searching for and communicating truth but "the right to worship God privately *and publicly*" (italics added). The pope furthermore declared that it is the solemn responsibility of the State to guarantee, protect, and promote personal rights and liberties, including religious liberty. Any government which fails to do so "completely lacks juridical authority." The Second Vatican Council pursued the lead of John XXIII a step further, developing the implications of his view of personal liberty for relations between church and state. The Council did so most thoroughly in *The Declaration on Religious Freedom* (see Reading 11) which some have called the end-product of the greatest debate on religious freedom in human history. John Courtney Murray, whose influence on the *Declaration* was enormous, points out that it contains three critical tenets on church and state:

> . . . the ethical doctrine of religious freedom as a human right (personal and collective); a political doctrine with regard to the functions and limits of government in matters religious; and the theological doctrine of the freedom of the Church as the fundamental principal in what concerns the relations between the Church and the socio-political order.[7]

These tenets are enumerated in Reading 11.

Murray has correctly remarked that the *Declaration* opens an entirely new era in the Roman Church's teaching on relations with the state.

> A long-standing ambiguity has finally been cleared up. The Church does not deal with the secular order in terms of a double standard – freedom for the Church when Catholics are a minority, privilege for the Church and intolerance for others when Catholics are a majority.[8]

We can summarize the Roman Catholic Church's present position as follows: The distinction between the Church and the state must be preserved. This means that any monistic view of the relationship, whether it be clerical or that of the all-powerful state, must be rejected. This does not mean that there cannot be a legally established church with special privileges. History and long traditions may make the confessional state a popular and wise arrangement. It does mean, however, two things: 1) the state-church is neither a necessary nor permanent principle of Catholic teaching. 2) If a state-church does exist, the freedom of both the church and the religious activity – private and public – of all non-established religions must be guaranteed. The only restriction on the free exercise of non-established religion must be based on the criterion of protection of public order. Finally, the primacy of the spiritual and the freedom of the church requires that there be harmony and cooperation between the church and the state – a middle way between *absolute* separation and either clerical or state domination. Such a policy has resulted in some interesting arrangements between the church and state in Europe, as we will see.

A brief indication of the effect of the development of Catholic teaching on civil policy can be shown in the case of Spain. During the period of the Franco government (1939-1975) following the Republic, Spain exemplified the Catholic confessional state. Catholicism was the sole religion of the Spanish nation "with all its rights and privileges." Instruction in government schools was required to conform to Catholic doctrine. Non-Catholics in Spain did not enjoy full religious liberty. Article VI of the "Spanish Charter," issued in 1945, read:

> The profession and practice of the Catholic religion, which is that of the Spanish State, shall enjoy official protection. None shall be molested for their religious beliefs or the *private practices* of their worship. No other ceremonies or external demonstrations than those of the Catholic religion shall be permitted. (Italics added.)

Protestants and other religious groups were not allowed to conduct any acts considered to be a public exercise of religion. They could not advertise their existence nor could they circulate their literature. Vatican II brought about significant change. Article VI of the "Spanish Charter" was amended by the *Organic Law of the State*, January 10, 1967 to read as follows:

> The profession and practice of the Catholic religion, which is the religion of the Spanish State, shall enjoy official support. The State shall assume the responsibility of protecting religious freedom, which shall be guaranteed by an efficacious juridical machinery, which, at the same time, shall safeguard morals and public order.

Appended to the Article is a note referring to the proscriptions of the 1945 charter and commenting that "now the State guarantees the defence and protection of religious freedom . . . in accordance with the ruling of the II Vatican Council." In the new Spanish Constitution of 1978, a further step is taken. Article Sixteen reads:

> 1. Freedom of ideology, religion and cult of individuals and communities is guaranteed without any limitation in their demonstrations other than that which is necessary for the maintenance of public order protected by law.
>
> 2. No one may be obliged to make a declaration on his ideology, religion, or beliefs.
>
> 3. No religion shall have state character. The public powers shall take into account the religious beliefs of Spanish society and maintain the appropriate relations of cooperation with the Catholic Church and other denominations.

Notes

[1] Jerome G. Kerwin, *Catholic Viewpoint on Church and State* (New York: Hanover House, 1960), pp. 83, 85.

[2] Cited in Sidney Z. Ehler and John B. Morrall, *Church and State Through the Centuries* (New York: Biblo and Tanner, 1967), p. 11.

[3] Charles H. McIlwain, *The Growth of Political Thought in the West* (New York: The MacMilllan Co., 1932), p. 208.

[4] St. Thomas Aquinas, *De Regimen Principium*, Bk I., Ch. XIV. Cited in Kerwin, op. cit., pp. 31-32.

[5] *De polestate papae in rebus temporabilus*, Ch. 5. Cited in Joseph Lecler, *The Two Sovereignties: A Study of The Relationship Between Church and State* (New York: Philosophical Library, 1952), p. 75.

[6] F.J. Connell, "Discussion of Governmental Repression of Heresy," The Catholic Theological Society of America, *Proceedings of the Third Annual Meeting* (Chicago, 1948), p. 100.

[7] John Courtney Murray, "Religious Freedom," in Walter M. Abbott, S.J., ed., *The Documents of Vatican II* (New York: Herder and Herder, 1966), pp. 672-73.

[8] Ibid., p. 673.

Reading 8: Pope Leo XIII, *Immortale Dei*

From *Church and State Through The Centuries*, trans. and ed. by Sidney Z. Ehler and John B. Morrell. London: Burns and Oates Ltd., 1954. Reproduced by permission of the publisher.

The basic issue posed by *Immortale Dei* is whether Roman Catholics can be loyal citizens in a secular state. The Pope outlines the Catholic conception of the state and rejects certain secular doctrines. However, he acknowledges that under present circumstances it may be prudent for Catholics to accept secular practices as expedient, although not as ideal.

* * *

From Encyclical Letter, November 1, 1885

The Catholic Church, that imperishable handiwork of our all-merciful God, has for her immediate and natural purpose the saving of souls and securing our happiness in heaven. Yet, in regard to things temporal, she is the source of benefits as manifold and great as if the chief end of her existence were to insure the prospering of our earthly life. In truth, wherever the Church has set her foot, she has straightway changed the face of things, and has tempered the moral tone of the people with a new civilization, and with virtues before unknown. All nations which have yielded to her sway have become eminent for their culture, their sense of justice, and the glory of their high deeds.

* * *

Many, indeed, are they who have tried to work out a plan of civil society based on doctrines other than those approved by the Catholic Church. In fact, in these latter days a novel theory of law has begun in many places to be held and to have influence–the outcome, as is maintained, of an age arrived at full stature, and the result of progressive liberty. But though endeavors of various kinds have been ventured on, it is clear that no better mode has been devised for building up and ruling the state than that which is the necessary growth of the teachings of the Gospel. We deem it, therefore, of the highest moment, and a strict duty of our apostolic office, to contrast with the lessons taught by Christ the novel theories now advanced touching the state. By this means we cherish hope that the bright shining of the truth may scatter the mists of error and doubt, so that one and all may see clearly the imperious law of life which they are bound to follow and obey.

It is not difficult to determine what would be the form and character of the state were it governed according to the principles of Christian philosophy. Man's natural instinct moves him to live in civil society, for he cannot, if dwelling apart, provide himself with the necessary requirements of life, nor procure the means of developing his mental and moral faculties. Hence it is divinely ordained that he should lead his life–be it family, social, or civil–with his fellowmen, among whom alone his several wants can be adequately supplied. But as no society can hold together unless someone be over all, directing all to strive earnestly for the common good, every civilized community must have a ruling authority, and this authority no less than society itself, has its source in nature, and has consequently, God for its author. Hence it follows that all public power must proceed from God: for God alone is the true and supreme Lord of the world. Everything, without exception, must be subject to him, and must serve him, so that whoever holds the right to govern, holds it from one sole and single source, namely God, the sovereign ruler of all. There is no power but from God.

The right to rule is not necessarily, however, bound up with any special mode of government. It may take this or that form, provided only that it be of a nature to insure the general welfare. But whatever be the nature of the government, rulers must ever bear in mind that God is the paramount ruler of the world, and must set him before themselves as their exemplar and law in the administration of the state.

* * *

As a consequence, the state, constituted as it is, is clearly bound to act up to the manifold and weighty duties linking it to God, by the public profession of religion. Nature and reason, which command every individual devoutly to worship God in holiness, because we belong to him and must return to him since from him we came, bind also the civil community by a like law. . . . Since, then, no one is allowed to be remiss in the service due to God, and since the chief duty of all men is to cling to religion in both its teaching and practice–not such religion as they may have a preference for, but the religion which God enjoins, and which certain and most clear marks show to be the only one true religion–it is a public crime to act as though there were no God. So too is it a sin in the state not to have a care for religion, as a something beyond its scope, or as of no practical benefit; or out of many forms of religion to adopt that one which chimes in with the fancy. For we are bound absolutely to worship God in that way which he has shown to be his will. All who rule, therefore, should hold in honor the holy name of God, and one of their chief duties must be to favor religion, to protect it, to shield it under the credit and sanction of the laws, and neither to organize nor enact any measure that may compromise its safety. This is the bounden duty of rulers to the people over whom they rule.

* * *

The Almighty, therefore, has appointed the charge of the human race between two powers, the ecclesiastical and the civil, the one being set over divine, and the other over human, things. Each in its kind is supreme, each has fixed limits within which it is contained, limits which are defined by the nature and special object of the providence of each, so that there is, we may say, an orbit traced out within which the action of each is brought into play by its own native right.

* * *

One of the two has for its proximate and chief object the well-being of this mortal life; the other the everlasting joys of heaven. Whatever, therefore, in things human is of a sacred character, whatever belongs either of its own nature or by reason of the end to which it is referred, to the salvation of souls or to the worship of God, is subject to the power and judgment of the Church. Whatever is to be ranged under the civil and political order is rightly subject to the civil authority. Jesus Christ has himself given command that what is Caesar's is to be rendered to Caesar, and that what belongs to God is to be rendered to God.

Such then, as we have briefly pointed out, is the Christian organization of civil society: not rashly or fancifully shaped out, but educed from the highest and truest principles, confirmed by natural reason itself.

In such an organization of the state there is nothing that can be thought to infringe upon the dignity of rulers, and nothing unbecoming them; nay, so far from degrading the sovereign power in its due rights, it adds to its permanence and luster. Indeed, when more fully pondered, this mutual coordination has a perfection in which all other forms of government are lacking, and from which excellent results would flow were the several component parts to keep their place, and duly discharge the office and work appointed respectively for each. And, without a doubt, in the constitution of the state such as we have described, divine and human things are equitably shared; the rights of citizens assured to them, and fenced round by divine, by natural, and by human law; the duties incumbent on each one being wisely marked out, and their fulfillment fittingly insured.

* * *

Sad it is to call to mind how the harmful and lamentable rage for innovation which rose to a climax in the sixteenth century, threw first of all into confusion the Christian religion, and next, by natural sequence, invaded the precincts of philosophy, whence it spread among all classes of society. From this source, as from a fountain head, burst forth all those later tenets of unbridled license which, in the midst of the terrible upheavals of the last century, were wildly conceived and boldly proclaimed as the principles and foundation of that new jurisprudence which was not merely previously unknown, but was at variance on many points with not only the Christian but even the natural law.

Among these principles the main one lays down that as all men are alike by race and nature, so in like manner all are equal in the control of their life; that each one is so far his own master as to be in no sense under the rule of any other individual; that each is free to think on every subject just as he may choose, and to do whatever he may like to do; that no man has any right to rule over other men. In a society grounded upon such maxims, all government is nothing more nor less than the will of the people, and the people, being under the power of itself alone, is alone its ruler. It does choose nevertheless some to whose charge it may commit itself, but in such wise that it makes over to them not the right so much as the business of governing, to be exercised, however, in its name. The authority of God is passed over in silence, just as if there were no God, or as if he cared nothing for human society; or as if men, whether in their individual capacity or bound together in social relations, owed nothing to God; or as if there could be a government of which the whole origin and power and authority did not reside in God himself. Thus, as is evident, a state becomes nothing but a multitude which is its own master and ruler. And since the populace is declared to contain within itself the spring-head of all rights and of all power, it follows that the state does not consider itself bound by any kind of duty towards God. Moreover, it believes that it is not obliged to make public profession of any religion; or to inquire which of the very many religions is the only true one; or to prefer one religion to all the rest; or to show to any form of religion special favor; but, on the contrary, is bound to grant equal rights to every creed, so that public order may not be disturbed by any particular form of religious belief.

And it is a part of this theory that all questions that concern religion are to be referred to private judgment; that every one is to be free to follow whatever religion he prefers, or none at all if he disapprove of all. From this the following consequences logically flow: that the most unrestrained opinions may be openly expressed as to the practice or omission of divine worship and that every one has unbounded license to think whatever he chooses and to publish abroad whatever he thinks.

* * *

The sovereignty of the people, however, and this without any reference to God, is held to reside in the multitude, which is doubtless a doctrine exceedingly well calculated to flatter and to inflame many passions, but which lacks all reasonable proof, and all power of insuring public safety and preserving order. Indeed, from the prevalence of this teaching, things have come to such a pass that many hold as an axiom of civil jurisprudence that seditions may be rightfully fostered. For the opinion prevails that princes are nothing more than delegates chosen to carry out the will of the people; whence it necessarily follows that all things are as changeable as the will of the people, so that risk of public disturbance is ever hanging over our heads.

To hold, therefore, that there is no difference in matters of religion between forms that are unlike each other, and even contrary to each other, most clearly leads in the end to the rejection of all religion in both theory and practice. And this is the same thing as atheism, however it may differ from it in name. Men who really believe in the existence of God must, in order to be consistent with themselves and to avoid absurd conclusions, understand that differing modes of divine worship, involving dissimilarity and conflict even on most important points, cannot all be equally probable, equally good and equally acceptable to God.

So, too, the liberty of thinking and of publishing whatsoever each one likes without any hindrance is not in itself an advantage over which society can wisely rejoice. On the contrary, it is the fountain-head and origin of many evils.

* * *

This, then, is the teaching of the Catholic Church concerning the constitution and government of the state. By the words and decrees just cited, if judged dispassionately, no one of the several forms of government is in itself condemned, inasmuch as none of them contains anything contrary to Catholic doctrine, and all of them are capable, if wisely and justly managed, of insuring the welfare of the state. Neither is it blameworthy in itself, in any manner, for the people to have a share, greater or less, in the government: for at certain times, and under certain laws, such participation may not only be of benefit to the citizens, but may even be of obligation. Nor is there any reason why any one should accuse the Church of being wanting in gentleness of action or largeness of view, or of being opposed to real and lawful liberty. The Church, indeed, deems it unlawful to place various forms of divine worship on the same footing as true religion, but does not, on that account, condemn those rulers who for the sake of securing some great good, or of hindering some great evil, tolerate in practice that these various forms of religion have a place in the state. And in fact the Church is wont to take earnest heed that no one shall be forced to embrace the Catholic faith against his will, for, as St. Augustine wisely reminds us: "Man cannot believe otherwise than of his own free will."

Reading 9: Pope Leo XIII, *Libertas*

From *A History of Christianity* by Clyde Manschreck. Englewood Cliffs, N.J.: Prentice Hall, 1962-1964. Reproduced by permission of Clyde Manschreck.

In this letter the Pope explains the Catholic theory of human liberty as it touches on relations between church and state. He presents the positive Catholic doctrine while disavowing the modern secular idea of liberty. The encyclical, nevertheless, does indicate what is admissible or tolerable in practice regarding such civil freedoms as those of religion and the press.

From Encyclical Letter, June 20, 1888

Liberty, the highest of natural endowments, being the portion only of intellectual or rational natures, confers on man this dignity—that he is *in the hand of his counsel* and has power over his actions. But the manner in which such dignity is exercised is of the greatest moment inasmuch as on the use that is made of liberty the highest good and the greatest evil alike depend. Man, indeed, is free to obey his reason, to seek moral good, and to strive unswervingly after his last end. Yet he is free also to turn aside to all other things, and in pursuing the empty semblance of good, to disturb rightful order and to fall headlong into the destruction which he has voluntarily chosen. The Redeemer of mankind, Jesus Christ, having restored and exalted the original dignity of nature, vouchsafed special assistance to the will of man; and by the gifts of His grace here, and the promise of heavenly bliss hereafter, He raised it to a nobler state. In like manner, this great gift of nature has ever been, and always will be, deservingly cherished by the Catholic Church, for to her alone has been committed the charge of handing down to all ages the benefits purchased for us by Jesus Christ. Yet there are many who imagine that the Church is hostile to human liberty. Having a false and absurd notion as to what liberty is, either they pervert the very idea of freedom, or they extend it at their pleasure to many things in respect of which man cannot rightly be regarded as free.

* * *

Liberty . . . belongs only to those who have the gift of reason or intelligence. Considered as to its nature, it is the faculty of choosing means fitted for the end proposed, for he is master of his actions who can choose one thing out of many. Now, since everything chosen as a means is viewed as good or useful, and since good, as such, is the proper object of our desire, it follows that freedom of choice is a property of the will, or, rather, is identical with the will in so far as it has in its action the faculty of choice. But the will cannot proceed to act until it is enlightened by the knowledge possessed by the intellect.

* * *

Such, then, being the condition of human liberty, it necessarily stands in need of light and strength to direct its actions to good and to restrain them from evil. Without this, the freedom of our will would be our ruin. First of all there must be *law* that is, a fixed rule of teaching what is to be done and what is to be left undone.

* * *

Foremost in this office comes the *natural law*, which is written and engraved in the mind of every man; and this is nothing but our reason, commanding us to do right and forbidding sin. Nevertheless all prescriptions of human reason can have force of law only inasmuch as they are the voice and interpreters of some higher power on which our reason and liberty necessarily depend. For, since the force of law consists in the imposing of obligations of all law—the power, that is, of fixing duties and defining rights, as also of assigning the necessary sanctions of reward and chastisement to each and all of its commands. But all this, clearly, cannot be found in man, if, as his own supreme legislator, he is to be the rule of his own actions. It follows therefore that the law of nature is the same thing as the *eternal law*, implanted in rational creatures, and inclining them to their right action and end; and can be nothing else but the eternal reason of God, the Creator and Ruler of all the world.

* * *

What has been said of the liberty of individuals is no less applicable to them when considered as bound together in civil society. For, what reason and the natural law do for individuals, that *human law*, promulgated for their good, does for the citizens of States. Of the laws enacted by men, some are concerned with what is good or bad by its very nature; and they command men to follow after what is right and to shun what is wrong, adding at the same time a suitable sanction. But such laws by no means derive their origin from civil society; because just as civil society did not create human nature, so neither can it be said to be the author of the good which befits human nature, or of the evil which is contrary to it. Laws come before men live together in society, and have their origin in the natural, and consequently in the eternal, law.

* * *

From this it is manifest that the eternal law of God is the sole standard and rule of human liberty, not only in each individual man, but also in the community and civil society which men constitute when united. Therefore, the true liberty of human society does not consist in every man doing what he pleases, for this would simply end in turmoil and confusion, and bring on the overthrow of the State; but rather in this, that through the injunctions of the civil law all may more easily conform to the prescriptions of the eternal law.

* * *

The highest duty is to respect authority, and obediently to submit to just law; and by this the members of a community are effectually protected from the wrongdoing of evil men. Lawful power is from God, *and whosoever resisteth authority resisteth the ordinance of God*; wherefore obedience is greatly ennobled when subjected to an authority which is the most just and supreme of all. But where the power to command is wanting, or where a law is enacted contrary to reason, or to the eternal law, or to some ordinance of God, obedience is unlawful, lest, while obeying man, we become disobedient to God. Thus, an effectual barrier being opposed to tyranny, the authority in the State will not have all its own way, but the interests and rights of all will be safeguarded—the rights of individuals, of domestic society, and of all the members of the commonwealth; all being free to live according to law and right reason; and in this, as We have shown, true liberty really consists.

* * *

These followers of liberalism deny the existence of any divine authority to which obedience is due, and proclaim that every man is the law to himself; from which arises that ethical system which they style *independent morality*, and which, under the guise of liberty, exonerates man from any obedience to the commands of God, and substitutes a boundless license.

* * *

To make this more evident, the growth of liberty ascribed to our age must be considered apart in its various details. And, first, let us examine that liberty in individuals which is so opposed to the virtue of religion, namely, the *liberty of worship*, as it is called. This is based on the principle that every man is free to profess as he may choose any religion or none.

But, assuredly, of all the duties which man has to fulfill, that, without doubt, is the chiefest and holiest which commands him to worship God with devotion and piety. This follows of necessity from the truth that we are ever in the power of God, are ever guided by His will and providence, and, having come forth from Him, must return to Him. Add to which no true virtue can exist without religion, for moral virtue is concerned with those things which lead to God as man's supreme and ultimate good; and therefore religion, which (as St. Thomas says) "performs those actions which are directly and immediately ordained for the divine honor," rules and tempers all virtues. And if it be asked which of the many conflicting religions it is necessary to adopt, reason and the natural law unhesitatingly tell us to practise that one which God enjoins, and which men can easily recognize by certain exterior notes, whereby divine Providence has willed that it should be distinguished, because, in a matter of such moment, the most terrible loss would be the consequence of error. Wherefore, when a liberty such as We have described is offered to man, the power is given him to pervert or abandon with impunity the most sacred of duties, and to exchange the unchangeable good for evil; which, as We have said is no liberty, but its degradation, and the abject submission of the soul to sin.

This kind of liberty, if considered in relation to the State, clearly implies that there is no reason why the State should offer any homage to God, or should desire any public recognition of Him; that no one form of worship is to be preferred to another, but that all stand on an equal footing, no account being taken of the religion of the people, even if they profess the Catholic faith. But, to justify this, it must needs be taken as true that the State has no duties toward God, or that such duties, if they exist, can be abandoned with impunity, both of which assertions are manifestly false.... Justice therefore forbids, and reason itself forbids, the State to be godless; or to adopt a line of action which would end in godlessness—namely, to treat the various religions (as they call them) alike, and to bestow upon them promiscuously equal rights and privileges. Since, then, the profession of one religion is necessary in the State, that religion must be professed which alone is true, and which can be recognized without difficulty, especially in Catholic States, because the marks of truth are, as it were, engraven upon it. This religion, therefore, the rulers of the State must preserve and protect, if they would provide—as they should do—with prudence and usefulness for the good of the community.

* * *

We must now consider briefly *liberty of speech*, and liberty of the press. It is hardly necessary to say that there can be no such right as this, if it be not used in moderation, and if it pass beyond the bounds and end of all true liberty. For right is a moral power which—as We have before said and must again and again repeat—it is absurd to suppose that nature has accorded indifferently to truth and falsehood, to justice and injustice. Men have a right freely and prudently to propagate throughout the State what things soever are true and honorable, so that as many as possible may possess them; but lying opinions, than which no mental plague is greater, and vices which corrupt the heart and moral life, should be diligently repressed by public authority, lest they insidiously work the ruin of the State.

* * *

A like judgment must be passed upon what is called *liberty of teaching* There can be no doubt that truth alone should imbue the minds of men....

Another liberty is widely advocated, namely, *liberty of conscience*. If by this is meant that everyone may, as he chooses, worship God or not, it is sufficiently refuted by the arguments already adduced.

* * *

Yet, with the discernment of a true mother, the Church weighs the great burden of human weakness, and well knows the course down which the minds and actions of men are in this our age being borne. For this reason, while not conceding any right to save what is true and honest, she does not forbid public authority to tolerate what is at variance with truth and justice, for the sake of avoiding some greater evil, or of obtaining or preserving some greater good.

But, to judge aright, we must acknowledge that, the more a State is driven to tolerate evil, the further is it from perfection; and that the tolerance of evil which is dictated by political prudence should be strictly confined to the limits which its justifying cause, the public welfare, requires. Wherefore, if such tolerance would be injurious to the public welfare, and entail greater evils on the State, it would not be lawful; for in such case the motive of good is wanting. And although in the extraordinary condition of these times the Church usually acquiesces in certain modern liberties, not because she prefers them in themselves, but because she judges it expedient to permit them, she would in happier times exercise her own liberty; and, by persuasion, exhortation, and entreaty would endeavor, as she is bound, to fulfill the duty assigned to her by God of providing for the eternal salvation of mankind. One thing, however, remains always true—that the liberty which is claimed for all to do all things is not, as We have often said, of itself desirable, inasmuch as it is contrary to reason that error and truth should have equal rights. . . .

* * *

Reading 10: The Concordat between Pope Pius XI and the Hitler Government of Germany

From *Church and State Through the Centuries*, trans, and ed. by Sidney Z. Ehler and John B. Morrall. London: Burns and Oates, Ltd., 1954. Reproduced by permission of the publisher.

With the rise of Hitler to power in Germany in 1933, the new Reich government and the Vatican together initiated negotiations concerning a Concordat which would settle the position of the Catholic Church in Germany and would satisfy both parties. The resulting Concordat was a compromise. It assured the Catholic Church the right of freedom to conduct her own affairs in worship, pastoral work, and education. However, the Church was required to acquiese in the dissolution of the Catholic Centre Party, to agree to certain oaths of loyalty to the state, and to prohibit its clergy from participation in politics.

* * *

From "The Concordat," July 20, 1933

His Holiness Pope Pius XI and the President of the German Reich, led by their common desire to consolidate and enhance the existing friendly relations between the Catholic Church and the State in the whole territory of the German Reich in a stable and satisfactory manner for both parties, have decided to conclude a solemn agreement which will supplement the Concordats already concluded with some particular German States ("Laender") and secure for the others the principles of a uniform treatment of the questions involved.

For this purpose

His Holiness Pope Pius XI has appointed as his Plenipotentiary His Eminence the Most Reverend Cardinal Eugenio Pacelli, His Holiness' Secretary of State;

and the President of the German Reich has appointed as Plenipotentiary the Vice-Chancellor of the German Reich, Herr Franz von Papen;

who, having exchanged their respective full powers and found them to be in due and proper form, have agreed to the following Articles:

Art. 1. The German Reich guarantees freedom of profession and public practice of the Catholic religion.

It recognizes the right of the Catholic Church to regulate and manage her own affairs independently within the limits of laws applicable to all and to issue—within the framework of her own competence—laws and ordinances binding on her members.

* * *

Art. 4. The Holy See shall enjoy full freedom in its contact and correspondence with the bishops, clergy and all other members of the Catholic Church in Germany. The same applies to the bishops and other diocesan authorities in their contact with the faithful in all matters of their pastoral office.

Instructions, ordinances, Pastoral Letters, official diocesan gazettes, and other enactments concerning the spiritual guidance of the faithful, issued by the ecclesiastical authorities within the framework of their competence may be published without hindrance and made known to the faithful in the ways heretofore usual.

Art. 5. The clergy enjoy in the discharge of their spiritual activities the same protection of the State as State officials. The State will proceed according to general provisions of its law in case of any outrage directed against the clergy personally or against their ecclesiastical character or in case of any interference with duties of their office and, if necessary, will provide official protection.

Art. 6. Clerics and religious are exempt from the obligation to undertake public offices and such obligations as are incompatible with their clerical or religious status. This applies particularly to the office of magistrate, membership of jury in Law Courts, membership of Taxation Committees or membership of the Fiscal Tribunal.

* * *

Art. 9. The judicial and other authorities can not ask the clergy to give information about matters which have been entrusted to them while exercising the care of souls and which are consequently covered by the obligation of pastoral secrecy.

* * *

Art. 14.... Furthermore, agreement has been reached on the following points:

(i) Catholic clerics who enjoy a spiritual office in Germany or exercise there a pastoral or educational activity, must:

(a) be German citizens;

(b) have obtained a School Certificate (Certificate of Maturity) entitling them to study at a higher German school;

(c) have studied Philosophy and Theology for at least three years at a German State University, an academic ecclesiastical college in Germany or a Papal high school in Rome.

(ii) The Bulls containing appointments of Archbishops, Bishops, Coadjutors cum iure successionis or of a "Prelatus nullius" will not be issued before the name of the selected person has been communicated to the "Reichsstatthalter" in the State ("Land") in question, and before it has been ascertained that there are no objections of a general political nature against such a person. The conditions laid down above under (i), par. (a), (b), (c), can be discarded by mutual agreement between Church and State.

* * *

Art. 16. Before taking possession of their diocese, the Bishops shall take an oath of loyalty either between the hands of the "Reichsstatthalter" in the State ("Land") in question or between those of the President of the Reich, the formula of which shall be the following:

"Before God and on the Holy Gospels I swear and promise, as becomes a bishop, loyalty to the German Reich and to the 'Land' of..... .I swear and promise to respect the Government established according to the Constitution and to cause the clergy of my dioceses to respect it. In the due solicitude for the welfare and the interests of the German Reich, I will endeavour, while performing the spiritual office bestowed upon me, to prevent anything which might threaten to be detrimental to it."

* * *

Art. 20. The Church has the right—unless there is some other agreement—to establish theological and philosophical colleges for the training of clergy; if no State subsidies are claimed for these institutions, they will be dependent solely on the ecclesiastical authorities. The establishment, management and administration of seminaries and hostels for clerical students pertains exclusively—within the limits of the law applicable to all—to ecclesiastical authorities.

Art. 21. Catholic religious instruction in primary, vocational, secondary and higher schools is a regular subject of tuition and is to be taught in accordance with the principles of the Catholic Church. In religious instruction the patriotic, civic and social consciousness and sense of duty will be particularly stressed and cultivated, as this is generally done in the school training. The teaching programme of religious education and the selection of textbooks will be settled by agreement with the higher ecclesiastical authorities. These authorities will be given the opportunity to control, in harmony with the school authorities, whether pupils are receiving religious instruction in accordance with the teaching and requirements of the Church.

* * *

Art. 23. The maintenance of the existing Catholic confessional schools and the establishment of new ones is hereby guaranteed. In all localities where parents or guardians request it, Catholic primary schools will be established if the number of their prospective pupils—considered from the point of view of the local school conditions—appears to be sufficient for the establishment of a school corresponding to the standards prescribed by the State legislation.

* * *

Art. 30. On Sundays and Holy days a prayer will be said for the welfare of the German Reich and its people in episcopal, parish, affiliated and conventual churches in the German Reich, immediately after the High Mass and according to the rules of the Church liturgy.

* * *

Art. 32. With regard to the special conditions existing in Germany and with regard to the provisions of the present Concordat guaranteeing legislation to protect the rights and privileges of the Catholic Church in the Reich and its States ("Laender"), the Holy See will issue ordinances by which the clergy and the religious will be forbidden to be members of political Parties or to be active on their behalf.

In witness whereof, the Plenipotentiaries have signed this concordat.

Given in two original copies.

In the Vatican City, July 20, 1933.

(Signed) Eugenio Cardinal Pacelli.
Franz von Papen.

Reading 11: Declaration on Religious Freedom of the Second Vatican Council

From *The Documents of Vatican II*, Walter M. Abbott, S.J., General Editor. © 1966 by American Press. By permission of New Century Publishers, Inc.

The first draft text on religious freedom was presented to the Council Fathers on November 19, 1963.Before the final vote was taken two years later, long debates were conducted and over two thousand suggested corrections were offered. Pope Paul VI approved and decreed the publication of the *Declaration* on December 7, 1965. While the intent of the *Declaration* is pastoral, it nevertheless contains doctrinal teaching on the subject of individual and communal freedom in terms of the relations between church and state.

From "The Declaration"

2. This Vatican Synod declares that the human person has a right to religious freedom. This freedom means that all men are to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that in matters religious no one is to be forced to act in a manner contrary to his own beliefs. Nor is anyone to be restrained from acting in accordance with his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits.

The Synod further declares that the right to religious freedom has its foundations in the very dignity of the human person, as this dignity is known through the revealed Word of God and by reason itself. This right of the human person to religious freedom is to be recognized in the constitutional law whereby society is governed. Thus it is to become a civil right.

It is in accordance with their dignity as persons—that is, being endowed with reason and free will and therefore privileged to bear personal responsibility—that all men should be at once impelled by nature and also bound by a moral obligation to seek the truth, especially religious truth. They are also bound to adhere to the truth, once it is known, and to order their whole lives in accord with the demands of truth.

However, men cannot discharge these obligations in a manner in keeping with their own nature unless they enjoy immunity from external coercion as well as psychological freedom. Therefore, the right to religious freedom has its foundation, not in the subjective disposition of the person, but in his very nature. In consequence, the right to this immunity continues to exist even in those who do not live up to their obligation of seeking the truth and adhering to it. Nor is the exercise of this right to be impeded, provided that the just requirements of public order are observed.

* * *

4. The freedom or immunity from coercion in matters religious which is the endowment of persons as individuals is also to be recognized as their right when they act in commu-

nity. Religious bodies are a requirement of the social nature both of man and of religion itself.

Provided the just requirements of public order are observed, religious bodies rightfully claim freedom in order that they may govern themselves according to their own norms, honor the Supreme being in public worship, assist their members in the practice of the religious life, strengthen them by instruction, and promote institutions in which they may join together for the purpose of ordering their own lives in accordance with the religious principles.

Religious bodies also have the right not to be hindered, either by legal measures or by administrative action on the part of government, in the selection, training, appointment, and transferral of their own ministers, in communicating with religious authorities and communities abroad, in erecting buildings for religious purposes, and in the acquisition and use of suitable funds or properties.

Religious bodies also have the right not to be hindered in their public teaching and witness to their faith, whether by the spoken or by the written word. However, in spreading religious faith and in introducing religious practices, everyone ought at all times to refrain from any manner of action which might seem to carry a hint of coercion or of a kind of persuasion that would be dishonorable or unworthy, especially when dealing with poor or uneducated people. Such a manner of action would have to be considered an abuse of one's right and a violation of the right of others.

In addition, it comes within the meaning of religious freedom that religious bodies should not be prohibited from freely undertaking to show the special value of their doctrine in what concerns the organization of society and the inspiration of the whole of human activity. Finally, the social nature of man and the very nature of religion afford the foundation of the right of men freely to hold meetings and to establish educational, cultural, charitable, and social organizations, under the impulse of their own religious sense.

* * *

6. The protection and promotion of the inviolable rights of man ranks among the essential duties of government. Therefore, government is to assume the safeguard of the religious freedom of all its citizens, in an effective manner, by just laws and by other appropriate means. Government is also to help create conditions favorable to the fostering of religious life, in order that the people may be truly enabled to exercise their religious rights and to fulfill their religious duties, and also in order that society itself may profit by the moral qualities of justice and peace which have their origin in men's faithfulness to God and to His holy will.

If, in view of peculiar circumstances obtaining among certain peoples, special legal recognition is given in the constitutional order of society to one religious body, it is at the same time imperative that the right of all citizens and religious bodies to religious freedom should be recognized and made effective in practice.

Finally, government is to see to it that the equality of citizens before the law, which is itself an element of the common welfare, is never violated for religious reasons whether openly or covertly. Nor is there to be discrimination among citizens.

It follows that a wrong is done when government imposes upon its people, by force or fear or other means, the profession or repudiation of any religion, or when it hinders men from joining or leaving a religious body. All the more is it a violation of the will of God and of the sacred rights of the person and the family of nations, when force is brought to bear in any way in order to destroy or repress religion, either in the whole of mankind or in a particular country or in a specific community.

* * *

13. Among the things which concern the good of the Church and indeed the welfare of society here on earth – things therefore which are always and everywhere to be kept secure and defended against all injury – this certainly is preeminent, namely, that the Church should enjoy that full measure of freedom which her care for the salvation of men requires. This freedom is sacred, because the only-begotten Son endowed with it the Church which He purchased with His blood. It is so much the property of the Church that to act against it is to act against the will of God. The freedom of the Church is the fundamental principle in what concerns the relations between the Church and governments and the whole civil order.

In human society and in the face of government, the Church claims freedom for herself in her character as a spiritual authority, established by Christ the Lord. Upon this authority there rests, by divine mandate, the duty of going out into the whole world and preaching the gospel to every creature. The Church also claims freedom for herself in her character as a society of men who have the right to live in society in accordance with the precepts of Christian faith.

In turn, where the principle of religious freedom is not only proclaimed in words or simply incorporated in law but also given sincere and practical application, there the Church succeeds in achieving a stable situation of right as well as of fact and the independence which is necessary for the fulfillment of her divine mission. This independence is precisely what the authorities of the Church claim in society.

At the same time, the Christian faithful, in common with all other men, possess the civil right not to be hindered in leading their lives in accordance with their conscience. Therefore, a harmony exists between the freedom of the Church and the religious freedom which is to be recognized as the right of all men and communities and sanctioned by constitutional law.

Questions for Discussion

1. How would you characterize, briefly, the Roman Catholic position on church and state relations?
2. What does the Roman Church mean by its "indirect power" in temporal affairs? What is problematic about distinguishing without separating the two powers, or about the "indirect temporal power" of the Church?
3. How would you describe the distinction between the "thesis" and the "hypothesis" which guided Catholic policy on church-state issues from Pope Leo XIII to Pope Pius XII (1878-1958)? Attempt to give a few practical examples of this distinction.
4. Describe the traditional Roman Catholic view of human liberty as articulated in the encyclical *Libertas*. How does it differ from the teaching in the *Declaration on Religious Freedom?*
5. On balance, do you think the Catholic Church paid too high a price for the rights it secured in the Concordat with the German government under Hitler—or was it a prudent policy of the Church in view of the circumstances?
6. Isn't the traditional Roman Catholic teaching correct that, in a predominantly Catholic nation, non-Catholic religions should be publicly restricted so as not to harm the spiritual interests of the Church and her people?
7. Characterize the principal teachings of the Second Vatican Council's *Declaration on Religious Freedom* regarding relations between church and state.

Suggestions for Further Reading

For historical documents and papal teachings, see:

Ehler, Sidney Z. and John B. Morrall, trans. and eds. *Church and State Through the Centuries*. London: Burns & Oates Ltd., 1954.

Carlen, Claudia, ed. *The Papal Encyclicals: 1740-1981*, 5 vols. Wilmington, NC: McGrath Publishing Co., 1981.

For both historical accounts and a discussion of Catholic theory, see:

Goerner, Edward Alfred. *Peter and Caesar: The Catholic Church and Political Authority*. New York: Herder and Herder, 1965.

Kerwin, Jerome G. *Catholic Viewpoint on Church and State*. Garden City, N.Y.: Hanover House, 1960.

For current Catholic teaching, see the numerous writings of Father John Courtney Murray.

Chapter Five

A Distinction between the "Two Kingdoms"

Should the citizen hold two separate loyalties:
one to the church and the other to the state?

Another, and quite distinctive, way of viewing the relationship between church and state is found in the writings of Martin Luther (1483-1546), the great Protestant Reformer, and in the works of his followers. Luther's practical influence on church-state relations has been confined chiefly to the Lutheran states in Europe and, more especially, to Germany. However, Germany's considerable role in the history of modern Europe has given to the Lutheran position an importance far exceeding its essentially German provenance and attraction. As we shall see, this has been especially true in this century which has witnessed the emergence of National Socialism (Nazism) in Germany and the threat posed by the totalitarian state more generally.

Luther's doctrine has been viewed, perhaps unfairly, as playing a part in the rise of National Socialism. The considerable stress which he placed on the divine sanction of temporal authority has given rise to the assertion that Luther contributed generally to an "unqualified endorsement of state power" and to the church's submissiveness to the tyranny of the modern state. This latter claim has, on occasion, proven to be true when Lutherans have shown undue complacency toward the state's power and action.

The foundation of Luther's political thought is rooted in his radical belief in the absolute sovereignty of God over history. Luther does not begin with either a theory of the church or of the state but, rather, with faith that God reigns over both and is using both to accomplish his purposes. Luther sees life as consisting of two realms, the temporal and the spiritual, over which God reigns supreme. Both realms serve God's will but in different ways (see Reading 12). According to Luther, God has established a spiritual government which has no temporal authority or sword. It is ruled solely by God's Word or the Gospel. The Christian doesn't really require temporal government, but he willingly serves his neighbor through it. However, since Christians are few and the world is evil, God has established a second government—worldly authority—which is ruled by the sword and "which aims to keep peace among men." Without the temporal sovereign, men, in Luther's estimation, "would devour one another, seeing that the whole world is evil. . . . No one could support wife and child, feed himself, and serve God. The world would be reduced to chaos." Luther thus sees the temporal ruler as a servant of God, since temporal government confers certain civic benefits, such as peace and order. Christians therefore are called to support unequivocally the temporal authorities so that they might assist in insuring social stability. By so doing, the Christian strengthens the hand of God against the forces of civil anarchy and chaos.

Luther considered the Christian's obligation to temporal authority in the carrying out of external affairs to be even more unqualified. Violence against one's ruler, including an evil one, is prohibited by the biblical teaching against resisting evil. Hence, "if worldly rulers call upon them (Christians) to fight, then they ought to and must fight and be obedient, not as Christians, but as members of the state . . . as obedient servants of the authorities under whom they live." Luther took a dim view of those who would attempt to "Christianize" society. Christian principles cannot, he believed, be expected to govern the temporal realm. The man who would seek to so apply them would be like the shepherd who put sheep together with wolves and lions. "The sheep," writes Luther, "would doubtless keep the peace and allow themselves to be fed and governed peacefully, but they would not live long, nor would one beast survive another." In other words, the Kingdom of God is not of this world. The state's reason for being is simply temporal order, permanence, and peace—and its means is power and the sword.

Luther looked with special horror on rebellion against civil authority. While he was sympathetic to the injustices suffered by the German peasants at the hands of the princes and their lords, the peasants nevertheless had a duty as citizens to be passively obedient. In Luther's view, they cannot justify armed rebellion in the name of Christian principles, such as justice. Resistance to authority is simply not compatible with the Gospel. The peasants, in rebelling against the evil of the princes, had confused or, rather, had conjoined the two kingdoms. The true Christian, according to Luther, "would stop threatening and resisting . . . and would endure and suffer wrong and . . . pray to God in every need." For the Christian is "free" even when he is a slave in this world. The two kingdoms must remain separate. And so Luther admonishes the princes, as God's temporal servants, to put down the Christian rebels—"to smite, slay, and stab, secretly or openly, remembering that nothing can be more poisonous, hurtful, and devilish than a rebel."

Even if we take into account the explosiveness and exaggeration of speech that often characterized Luther's expression and the particular circumstances of the Peasants' Revolt which made him over-sensitive to the dangers of civil chaos, it must be said that Luther's writings on church and state allowed for a large degree of complacency regarding the state's authority and its moral autonomy within its own realm of political activity. Many, I think, would concur with the conclusion of the historian Ernst Troeltsch:

> It is very evident that (Luther) delights in the paradox of these two ways of serving God, and he boasts with great satisfaction that no one has yet proved so clearly from the Scriptures the Divine right of government, which is independent, dominated by no Church, and bewildered by no scruples. It is at this point that Luther inserts the most characteristic and remarkable tenet in his whole system of ethics, the distinction between private and public morality. . . .[1]

Since the horrors of World War II and German National Socialism, Lutheran scholars have sought to absolve Luther of the charge that he sanctioned an unqualified submission to state authority and power, unchecked by any moral scruples. They argue, perhaps with justice, that Luther always thought of temporal power and authority as subject to law. Therefore, he never could possibly have countenanced an evil temporal authority, such as Hitler and Nazism, since the Christian citizen owes his earthly loyalty to the law. Legitimate temporal authority is, according to this view of Luther, always lawful authority.

The question of Luther's own position or intention in this regard remains somewhat in dispute. However, it is indisputable that Lutheran theologians and pastors did in fact appeal to Luther's teachings on church and state when calling for acquiescence, even loyalty, to Hitler and the Third Reich. In 1932, German Christians, eager to support Hitler, issued the *Guiding Principles of the German Christians* (see Reading 13) which asserted that "in race, nation, and cultural heritage we see the orders of existence which God has given us in trust." Months later the Evangelical Christian Youth joined in an alliance with the Hitler Youth (see Reading 14). Influential Lutheran pastors and theologians called upon their flocks to welcome the Nazi regime as a manifestation of God's temporal order for the German people. One of the most influential Lutheran theologians, Emanuel Hirsch, insisted that "the proclamation of the gospel becomes . . . a yes to nationality and history as the possibilities of knowing and serving God." Faithfulness to God, according to Hirsch, was also faithfulness "to blood, nation, and the (Nazi) Movement."[2]

In October, 1933 the German bishops celebrated the 450th anniversary of Luther's birth and declared:

> We German Protestant Christians accept the saving of our nation by our leader Adolf Hitler as a gift from God's hand

and shortly thereafter pledged "unlimited fealty to the Third Reich and its Leader."

The Lutheran doctrine of the "two kingdoms" and the conception of the state as a divine order willed by God resulted in the quite illusory claim that the Christian does not mix in politics and yet is to be obedient to the state. The possible danger in such a position is well stated by a recent critic:

> The state is the means by which God rules the world in this age. And since it is of God, the Christian owes it obedience. Thus, the two-kingdoms doctrine had the strange result that Lutherans could claim that they were not mixing in politics as believers and yet they must obey, support, and pray for the state, as if such endorsement were non-political.[3]

The tradition of a strong "orders" theology and rejection of the right of resistance to the state continued even after World War II (see Reading 15) in some Lutheran circles, despite the opposition of other Lutherans who have placed love and justice, rather than a legalistic view of orders, as the guiding maxims of Christian action. In fact, opposition to the "German Christians" and their support of the ideology of the Third Reich was publicly voiced as early as May, 1934 by a group of German Christians representing nineteen territorial churches. This protest took the form of the famous Barmen Declaration (see Reading 16), drawn up by Hans Asmussen and the great theologian, Karl Barth. The Declaration was a six-point confession opposing the identification of the Christian message with nationalism and racial ideology. It became the rallying point for the "Confessing" Church's resistance to Nazism. The Christian martyr Dietrich Bonhoeffer, executed by the Gestapo, was a member of the "Confessing Church", as was the heroic pastor Martin Niemoller.

We have pointed up some of the obvious dangers in a position in which the citizen is called to give to Caesar what is Caesar's and to God what is God's. Some would argue, nevertheless, that Luther has made invaluable contributions to the modern church-state discussion. First of all, Luther introduced an element of realism into the discussion of the state. Like the political philosophers Hobbes and Machiavelli, as well as some modern conservative theorists, Luther fully recognized the reality of power. He rightly perceived that society is a fragile complex of competing interests and powers and that the state alone has the capability of providing peace and order and of holding back the forces of social anarchy. Luther, it can also be argued, recognized the dangers of religious idealism and the often-too-simple belief that the church can "Christianize" the state or the social order. We have learned otherwise in this century. Luther was skeptical of all efforts to establish the Kingdom of God on earth and thus of abolishing the distinction between the two kingdoms. Efforts to erase the distinction have too readily resulted in moral self-righteousness and in calls for a moral crusade that have all the earmarks of a holy war or religious inquisition.

Notes

[1] Ernst Troeltsch, *The Social Teachings of the Christian Churches*, Vol II, trans. Olive Wyon (London: Allen & Unwin, 1956), pp. 549-50.

[2] Emanuel Hirsch, *Deutsches Volkstum und Evangelischer Glaube* (Hamburg: Hanseatische Verlagsanstalt, 1934), p. 21.

[3] Hans Otto Tiefel, "The German Lutheran Church and the Rise of National Socialism," *Church History*, 41 (September, 1972), pp. 333-4.

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Reading 12: Martin Luther

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Two of Luther's most important writings on church and state are "Secular Authority" (1523) and ffi⇋"Whether Soldiers, Too, Can Be Saved" (1526). The first is a general treatise meant to provide guidance to Christians on the question of temporal authority and the responsibilities of the Christian citizen. The latter tract was in response to requests of professional soldiers seeking guidance on the Christian's responsibility in warfare.

* * *

From *A Compend of Luther's Theology*

1. THE TWO ORDERS OF GOVERNMENT

There are two kingdoms, one the kingdom of God, the other the kingdom of the world. I have written this so often that I am surprised that there is anyone who does not know it or note it. . . . God's kingdom is a kingdom of grace and mercy, not of wrath and punishment. In it there is only forgiveness, consideration for one another, love, service, the doing of good, peace, joy, etc. But the kingdom of the world is a kingdom of wrath and severity. In it there is only punishment, repression, judgment, and condemnation, for suppressing of the wicked and the protection of the good. For this reason it has the sword, and a prince or lord is called in Scripture God's wrath, or God's rod (Isaiah xiv). . . . Now he who would confuse these two kingdoms—as our false fanatics do—would put wrath into God's kingdom and mercy into the world's kingdom; and that is the same as putting the devil in heaven and God in hell.

(From "An Open Letter Concerning the Hard Book Against the Peasants")

* * *

God has established magistracy for the sake of the unbelieving, insomuch that even Christian men might exercise the power of the sword, and come under obligation thereby to serve their neighbor and restrain the bad, so that the good might remain in peace among them. And still the command of Christ abides in force, that we are not to resist evil. So that a Christian, although he bears the sword, does not use it for his own sake nor to revenge himself, but only for other; and, moreover, this is a mark of Christian love, that with the sword we support and defend the whole Church, and not suffer it to be injured. Christ teaches those only who, while they believe and love, obey also. But the greater multitude in the world, as it does not believe, obeys not the command. Therefore they must be ruled as unchristian, and their caprice be put under restraint; for if their power was suffered to obtain the upper hand, no one could stand before them.

Thus there are two kinds of government in the world, as there are also two kinds of people,—namely, believers and unbelievers. Christians yield themselves to the control of God's word; they have no need of civil government for their own sake. But the unchristian portion require another government, even the civil sword, since they will not be controlled by the word of God. Yet if all were Christians and followed the Gospel, there would be no more necessity or use for the civil sword and the exercising of authority; for if there were no evildoers there certainly could be no punishment. But since it is not to be expected that all of us should be righteous, Christ has ordained magistracy for the wicked, that they may rule as they must be ruled. But the righteous He keeps for Himself, and rules them by His mere word.

(From "Commentary on Peter and Jude")

We must firmly establish secular law and the sword, that no one may doubt that it is in the world by God's will and ordinance. The passages which establish this are the following: Romans xiii, "Let every soul be subject to power and authority, for there is no power but from God. The power that is everywhere is ordained of God. He then who resists the power resists God's ordinance. But he who resists God's ordinance shall bring himself under condemnation." Likewise, I Peter ii, "Be subject to every kind of human ordinance, whether to the king as supreme, or to the governors, as to those sent of Him for the punishing of the evil and for the reward of the good."

* * *

There seems to be a powerful argument on the other side. Christ says, Matthew v, "Ye have heard that it was said to them of old: An eye for an eye, a tooth for a tooth. But I say unto you, that a man shall not resist evil, but if any one strikes thee upon the right cheek, turn to him the other also; and whoever will go to law with thee to take thy coat, let him have the cloak also, and whoever forces thee a mile, with him go two miles." Likewise Paul, Romans xii, "Dearly beloved, defend not yourselves, but give place to God's wrath, for it is written, Vengeance is mine, I will repay saith the Lord." Likewise Matthew v, "Love your enemies, do good to them that hate you." And I Peter iii, "Let no one repay evil with evil, nor railing with railing," etc. These and the like passages truly would make it appear as though in the New Testament there should be no secular sword among Christians.

* * *

If all the world were composed of real Christians, that is, true believers, no prince, king, lord, sword, or law would be needed. For what were the use of them, since Christians have in their hearts the Holy Spirit, who instructs them and causes them to wrong no one, to love every one, willingly and cheerfully to suffer injustice and even death from every one. Where every wrong is suffered and every right is done, no quarrel, strife, trial, judge, penalty, law or sword is needed. Therefore, it is not possible for the secular sword and law to find any work to do among Christians, since of themselves they do much more than its laws and doctrines can demand. Just as Paul says in I Timothy i, "The law is not given for the righteous, but for the unrighteous."

Why is this? Because the righteous does of himself all and more than all that all the laws demand. But the unrighteous do nothing that the law demands, therefore they need the law to instruct, constrain, and compel them to do what is good. A good tree does not need any teaching or law to bear good fruit, its nature causes it to bear according to its kind without any law and teaching. A man would be a fool to make a book of laws and statutes telling an apple tree how to bear apples and not thorns, when it is able by its own nature to do this better than man with all his books can define and direct. Just so, by the Spirit and by faith all Christians are throughout inclined to do well and keep the law, much more than any one can teach them with all the laws, and need so far as they are concerned no commandments nor law.

* * *

All who are not Christians belong to the kingdom of the world and are under the law. Since few believe and still fewer live a Christian life, do not resist the evil, and themselves do no evil, God has provided for non-Christians a different government outside the Christian estate and God's kingdom, and has subjected them to the sword, so that even though they would do so, they cannot practice their wickedness, and that, if they do, they may not do it without fear nor in peace and prosperity. Even so a wild, savage beast is fastened with chains and bands, so that it cannot bite and tear as is its wont, although it gladly would do so; whereas a tame and gentle beast does not require this, but without any chains and bands is nevertheless harmless. If it were not so, seeing that the whole world is evil and that among thousands there is scarcely one true Christian, men would devour one another, and no one could preserve wife and child, support himself and serve God; and thus the world would be reduced to chaos. For this reason God has ordained the two governments; the spiritual, which by the Holy Spirit under Christ makes Christians and pious people, and the secular, which restrains the unchristian and wicked so that they must needs keep the peace outwardly, even against their will. So Paul interprets the secular sword, Romans xiii, and says it is not a terror to good works, but to the evil. And Peter says it is for the punishment of evil doers.

* * *

It is indeed true that Christians, so far as they themselves are concerned are subject to neither law nor sword and need neither; but first take heed and fill the world with real Christians before ruling it in a Christian and evangelical manner. This you will never accomplish; for the world and the masses are and always will be unchristian, although they are all baptised and are nominally Christian. Christians, however, are few and far between, as the saying is. Therefore it is out of the question that there should be a common Christian government over the whole world, nay even over one land or company of people, since the wicked always outnumber the good. Hence a man who would venture to govern an entire country or the world with the Gospel would be like a shepherd who should place in one fold wolves, lions, eagles, and sheep together and let them freely mingle with one another and say, Help yourselves, and be good and peaceful among yourselves; the fold is open, there is plenty of food, have no fear of dogs and clubs. The sheep, forsooth, would keep the peace and would allow themselves to be fed and governed in peace, but they would not live long; nor would any beast keep from molesting another.

* * *

From all this we see what is the true meaning of Christ's words in Matthew v. "Resist not evil," etc. It is this, that a Christian should be so disposed that he will suffer every evil and injustice, not avenge himself nor bring suit in court, and in nothing make use of secular power and law for himself. For others, however, he may and should seek vengeance, justice, protection and help, and do what he can toward this. Likewise, the State should, either of itself or through the instigation of others, help and protect him without complaint, application or instigation on his part. When the State does not do this, he ought to permit himself to be robbed and despoiled, and not resist the evil, as Christ's words say.

* * *

But you ask further, whether the beadles, hangmen, jurists, advocates, and their ilk, can also be Christians and in a state of salvation. I answer: If the State and its sword are a divine service, as was proved above, that which the State needs in order to wield the sword must also be a divine service. There must be those who arrest, accuse, slay and destroy the wicked, and protect, acquit, defend and save the good. Therefore, when such duties are performed, not with the intention of seeking one's own ends, but only of helping to maintain the laws and the State, so that the wicked may be restrained, there is no peril in them and they may be followed like any other pursuit and be used as one's means of support. For, as was said, love of neighbor seeks not its own, considers not how great or how small, but how profitable and how needful for neighbor or community the works are.

(From "Secular Authority: To What Extent It Should Be Obeyed")

2. THE CHRISTIAN'S DUTY TO OBEY TEMPORAL RULERS

It is God's will to establish and maintain peace among the children of Adam for their own good; as St. Paul says, in Romans xiii, "It is God's minister to you for good." For where there is no rulership, or where rulers are not held in honor, there can be no peace. Where there is no peace, no one can keep his life, or anything else, in the face of another's outrage, thievery, robbery, violence, and wickedness; much less will there be room to teach God's Word, and to raise children in the fear of God and in discipline. Because, then, God will not have the world desolate and empty, but has made it for men to live in and till the land and fill it, as is written in Genesis i; and because this cannot happen where there is no peace; He is compelled, as a Creator, preserving His own creatures, works, and ordinances, to institute and preserve rulership, and to commit to it the sword and the laws, so that He may slay and punish all those who do not obey it, as men who strive also against God and His ordinance, and are not worthy to live.

But again, as, on the one hand, He keeps down the disorder of the rabble and therefore subjects them to the sword and the laws; so, on the other hand, He keeps down the rulers, that they shall not abuse His majesty and power according to their own self-will, but use them for that peace for which He has appointed and preserves them. Nevertheless, it is not His will to allow the rabble to raise their fist against the rulers or to seize the sword, as if to punish and judge the rulers. No, they must leave that! It is not God's will and He has not committed this to them. They are not to be judges and revenge themselves, or resort to outrage and violence, but God Himself will punish wicked rulers and impose statutes and laws upon them. He will be judge and master over them. He will find them out, better than anyone else can, as indeed, He has done since the beginning of the world.

(From "An Exposition of the Eighty-second Psalm")

3. CONCERNING THE RIGHT OF REBELLION

Here stands the law, and says, "No one shall fight or make war against his overlord; for a man owes his overlord obedience, honor and fear" (Romans xii). If one chops over one's head, the chips fall in one's eyes, and as Solomon says, "He who throws stones in the air, upon his head they fall." That is the law in a nut-shell. God Himself has instituted it and men have accepted it, for it does not fit together that men shall both obey and resist, be subject and not put up with their lords.

But we have already said that justice ought to be mistress of law, and where circumstances demand, guide the law, or even command and permit men to act against it. Therefore the question here is whether it can be just, i.e., whether a case can arise in which one can act against this law, be disobedient to rulers and fight against them, depose them or put them in bonds.

* * *

The peasants in their rebellion alleged that the lords would not allow the Gospel to be preached and robbed the poor people, and, therefore that they must be overthrown; but I have answered this by saying that although the lords did wrong in this, it would not therefore be just or right to do wrong in return, that is, to be disobedient and destroy God's ordinance, which is not ours. On the contrary, we ought to suffer wrong and if prince or lord will not tolerate the Gospel, then we ought to go into another princedom where the Gospel is preached, as Christ says in Matthew x, "If they persecute you in one city flee into another."

It is just, to be sure, that if a prince, king, or lord goes crazy, he should be deposed and put under restraint, for he is not to be considered a man since his reason is gone. Yes, you say a raving tyrant is crazy, too, or is to be considered even worse than a madman, for he does much more harm. That answer puts me in a right place, for such a statement makes a great appearance and seems to be in accord with justice. Nevertheless, it is my opinion that the cases of madmen and tyrants are not the same; for a madman can neither do nor tolerate anything reasonable, nor is there any hope for him because the light of reason has gone out. But a tyrant, however much of this kind of thing he does, knows that he does wrong. He has his conscience and his knowledge, and there is hope that he may do better, allow himself to be instructed, and learn, and follow advice, none of which things can be hoped for in a crazy man, who is like a clod or a stone.

* * *

Here you will say, perhaps, "Yes, if everything is to be endured from the tyrants, you give them too much and their wickedness only becomes stronger and greater by such teaching. Is it to be endured then that every man's wife and child, body and goods, are to be in danger? Who can start any good thing if that is the way we are to live?" I reply: My teaching is not for you, if you will to do whatever you think good and whatever pleases you. Follow your own notion and slay all your lords, and see what good it does you. My teaching is only for those who would like to do right. To these I say that rulers are not to be opposed with violence and rebellion, as the Romans, the Greeks, the Swiss and the Danes have done; but there are other ways of dealing with them.

In the first place, if they see that the rulers think so little of their soul's salvation that they rage and do wrong, of what importance is it that they ruin your property, body, wife and child? They cannot hurt your soul, and they do themselves more harm than they do you, because they damn their own souls and the ruin of body and property must then follow. Do you think that you are not already sufficiently revenged upon them?

In the second place, what would you do if these rulers of yours were at war and not only your goods and wives and children, but you yourself must be broken, imprisoned, burned and slain for your lord's sake? Would you for that reason slay your lord?

* * *

In the third place, if the rulers are bad, what of it? God is there, and He has fire, water, iron, stone and numberless ways of killing. How quickly He has slain a tyrant! He would do it, too, but our sins do not permit it; for He says in Job, "He letteth a knave rule because of the people's sins." It is easy enough to see that a knave rules, but no one is willing to see that he is ruling not because of his knavery, but because of the people's sin. The people do not look at their own sin; and think that the tyrant rules because of his knavery; so blinded, perverse and mad is the world! That is why things go as they went with the peasants in the revolt. They wanted to punish the sins of the rulers, just as though they were themselves pure and guiltless; therefore, God had to show them the beam in their eye in order to make them forget another's splinter.

In the fourth place, the tyrants run the risk that, by God's decree, their subjects may rise up, as has been said, and slay them or drive them out. For we are here giving instruction to those who want to do what is right, and they are very few; the great multitude remain heathen, godless, and unchristian, and these, if God so decrees, set themselves wrongfully against the rulers and create disaster, as the Jews and Greeks and Romans often did. Therefore you have no right to complain that by our doctrine the tyrants and rulers gain security to do evil; nay, they are certainly not secure.

* * *

In the fifth place, God has still another way to punish rulers, so that you have no need to revenge yourself. He can raise up foreign rulers, like the Goths against the Romans, the Assyrians against the Jews, etc., so that there is vengeance, punishment, and danger enough hanging over tyrants and rulers, and God does not allow them to be wicked and have peace and joy; He is right behind them and has them between spurs and under bridle.

(From "Whether Soldiers, Too, Can Be Saved")

* * *

Reading 13: "German Christians"

Cited from Arthur C. Cochrane, *The Church's Confession Under Hitler*, 2nd edition, 1976, The Pickwick Press, Pittsburgh, PA. With the author's permission.

The movement of "German Christians" was a mixture of three right-wing Protestant groups, organized in support of National Socialism and to increase the influence of the Nazi party in the Prussian church elections of 1932.

* * *

"The Guiding Principles of the Faith Movement of the 'German Christians,' June 6, 1932"

1. These guiding principles seek to show to all believing Germans the ways and the goals leading to a reorganization of the Church. They are not intended to be or to take the place of a Confession of Faith, or to disturb the confessional basis of the evangelical Church. They are a living Confession.

2. We are fighting for a union of the twenty-nine Churches included in the "German Evangelical Federation of Churches" into one evangelical State Church. We march under the banner: "Outwardly united and in the might of the spirit gathered around Christ and his Word, inwardly rich and varied, each a Christian according to his own character and calling!"

3. The "German Christian" ticket is not intended to be a political party in the Church in the ordinary sense. It pertains to all evangelical Christians of German stock. The time of parliamentarianism has outlived itself even in the Church. Ecclesiastical parties have no religious sanction to represent Church people and are opposed to the lofty purpose of becoming a national Church. We want a vital national Church that will express all the spiritual forces of our people.

4. We take our stand upon the ground of positive Christianity. We profess an affirmative and typical faith in Christ, corresponding to the German spirit of Luther and to a heroic piety.

5. We want the reawakened German sense of vitality respected in our Church. We want to make our Church a vital force. In the fateful struggle for the freedom and future of Germany the Church in its administration has proven weak. Hitherto the Church has not called for an all-out fight against atheistic Marxism and the reactionary Center Party. Instead it has made an ecclesiastical pact with the political parties of these powers. We want our Church to be in the forefront of the crucial battle for the existence of our people. It may not stand aside or even turn its back upon those fighting for liberty.

6. We demand that the Church pact [political clause] be amended and that a fight be waged against a Marxism which is the enemy of religion and the nation and against its Christian social fellow travelers of every shade. In this Church pact we miss a confident daring for God and for the mission of the Church. The way into the Kingdom of God is through struggle, cross, and sacrifice, not through a false peace.

7. We see in race, folk, and nation, orders of existence granted and entrusted to us by God. God's law for us is that we look to the preservation of these orders. Consequently mis-

cegenation is to be opposed. For a long time German Foreign Missions, on the basis of its experience, has been calling to the German people: "Keep your race pure," and tells us that faith in Christ does not destroy one's race but deepens and sanctifies it.

8. In home missions, properly understood, we see a vital Christianity based on deeds which in our opinion, however, is not rooted in mere pity but in obedience to God's will and in gratitude for Christ's death on the cross. Mere pity is charity and becomes presumptuous, coupled with a bad conscience, and makes people soft. We know something about Christian duty and Christian love toward those who are helpless but we also demand that the nation be protected against the unfit and inferior. In no event may home missions contribute to the degeneration of our people. Furthermore, it has to keep away from economic adventures and not become mercenary.

9. In the mission to the Jews we perceive a grave danger to our nationality. It is an entrance gate for alien blood into our body politic. It has no justification for existence beside foreign missions. As long as the Jews possess the right to citizenship and there is thereby the danger of racial camouflage and bastardization, we repudiate a mission to the Jews in Germany. Holy Scripture is also able to speak about a holy wrath and a refusal of love. In particular, marriage between Germans and Jews is to be forbidden.

10. We want an evangelical Church that is rooted in our nationhood. We repudiate the spirit of a Christian world-citizenship. We want the degenerating manifestations of this spirit, such as pacifism, internationalism, Free Masonry, etc., overcome by a faith in our national mission that God has committed to us. Membership in a Masonic Lodge by an evangelical minister is not permissible.

* * *

Reading 14: The Hitler Youth

From The Third Reich and the Christian Churches *by Peter Matheson*. Edinburgh, Scotland: T. & T. Clark, Ltd, 1981. Reproduced by permission of the publisher.

The Evangelical Youth, including about 700,000 Protestant members, were to come under the strong influence of Nazi ideology. The Reich Bishop Ludwig Muller was able to negotiate a treaty with the Hitler Youth which helped to implement this influence in practice.

* * *

Treaty between the Reich Bishop and the Hitler Youth, 19 December, 1933

1. The Evangelical Youth recognises that the whole political education of the German youth is carried out by the National Socialist state and the Hitler Youth as the representatives of the secular arm. Members of the Evangelical Youth under the age of 18 will be incorporated into the Hitler Youth and its subordinate groupings. From now on no one in this age-group can be a member of the Evangelical youth unless he is a member of the Hitler Youth.

2. Athletic (including gymnastic and sporting) and political training up to the age of 18 will be pursued only in the Hitler Youth.

3. All members of the Evangelical Youth will . . . wear the uniform of the Hitler Youth.

4. The Evangelical Youth retains full freedom for its activities in educational and church matters . . . on two afternoons in the week and on two Sundays in the month. On these days the members will where necessary be released from the other organisation. For Evangelical Youth members service in the Hitler Youth will likewise be restricted to two afternoons and two Sundays. Members of the Evangelical Youth will also be exempted from service in the Hitler Youth to enable them to attend missionary courses and camps for evangelical training and education.

* * *

Reading 15: Werner Elert: "The Ethos of Citizenship"

From *The Christian Ethos* by Werner Elert. © 1957 by Muhlenberg Press. Used by permission of Fortress Press.

The following selection is written by Werner Elert, one of the most important German Lutheran theologians in the years between the two World Wars and in the years immediately following World War II. He wrote widely and had great influence. He represents a strong "orders theology" which resists—even in the post-Nazi era—efforts to justify active resistance to the state on religious grounds.

"The Ethos of Citizenship"

A citizen manifests his ethos within the political and legal structure of the state, relating himself to the nation as a whole and to his fellow-citizens. The apostolic testimony describes this civic ethos as being "subject to the governing authorities." Citizenship calls for "service," or even personal ministration. As such the relationship is not merely an enforced or enforceable legal obligation. Paul speaks of it as "for conscience sake," and Peter "for the Lord's sake." Government deserves respect, and we should remember it in our prayers with gratitude and intercession. A political system grants its citizens those personal rights to which Paul repeatedly laid claim. This approach is from below "looking up." It is the ethos of the citizen. For Paul the "authority" is the Roman imperium whose existence is simply taken for granted. There were not yet any "responsible" individuals in the congregations to which these epistles were addressed. Obedience appears therefore as the special civic virtue.

* * *

We must take a further step. "Peter's clause," refers to the proclamation of the gospel which is undertaken by divine command; in its pursuit the apostle will tolerate no governmental interference. But it applies to that situation alone. We must not extract from this a general right to remain outside the prevailing legal system, even less the right to attack the political order actively. At the time when the apostles admonished their readers to respect the authorities, the Jewish leaders and Roman officials had already started their oppressive measures against the Christian believers. Of course, it is a fact that since the end of the first century Paul's concept of order began to collide with the apocalyptic view which saw in the state solely an enemy of Christ and his kingdom. As long as we are dealing with "ethos under law" we need not discuss this problem at this point. At any rate, it is a fact that the Christians before Constantine who also knew the law never resisted by political means the severe attacks upon the church. Persecution for Christ's sake must be endured no matter what its source. Official acts which imply a denial of the Christian faith dare only be opposed by passive resistance. They do not absolve us from the duty of civic obedience in secular matters. This is the meaning of Luther's concept of suffering obedience.

* * *

For reasons of political security people are often afraid to become too deeply involved in political life. The turn of events in Germany after the collapse of the Hitler regime increased rather than lessened these apprehensions. Most guilty are those Christians who are always looking for an excuse to apply "Peter's clause," claiming that one must now "obey God rather than men," in order to dissociate themselves from "this" (or any other) state. If that is their intention, the desired moment will never arrive, not even in situations where the state pursues notoriously evil ends. By persecuting Christian believers the Roman state undoubtedly engaged in evil. Yet throughout the periods of persecution the political order remained legitimate because its legal provisions prevented chaos in other areas of life.

* * *

The problem which has disturbed and divided the Christian community now becomes acute. Is it right to offer active resistance, to employ force against the organized state—to rebel? That this right is denied to Christians who suffer at the hands of the state has already been unequivocally stated. It is so, at least according to Lutheran doctrine. "In these matters," writes Luther to his sovereign, "no sword can counsel or help, God alone must do it without human planning or action. Therefore: he who believes most firmly will protect most effectively".

* * *

The power of a state is a constituent element in the nature of a state as it relates to its citizens. It is a natural order, the good order of God. This like any other divine order can become demonized: through abuse good is turned into evil. In that case destruction threatens, but it does not cease to be a good order of God. Conversely a violent revolution destroys the organic relationship between a state's power and the state as a whole (including all its citizens) and wrecks the natural order itself. To claim that such an accomplishment is *ipso facto* good and worthy of divine commendation is a reckless human assertion which anticipates the judgment of God. Even if the achievement were "objectively" good, it is in turn open to demonization.

* * *

Every revolution destroys something, therefore no revolution is objectively good. It annihilates order to create new order; in itself it is not order but disorder. It is a temporary expedient which appears where law and order have ceased to be what their name implies.

Reading 16: The Barmen Declaration

From *The German Phoenix* by Franklin H. Littell. Garden City, NJ: Doubleday and Company, 1960. Reproduced by permission of Franklin H. Littell.

The Synod which met at Barmen in Germany, May 29-31, 1934, brought together representatives of Lutheran, Reformed, and United Churches who opposed the ideological views of the "German Christians." The Barmen Declaration affirmed the absolute priority of the Bible and of Christ over all other authorities and lords.

From The Barmen Declaration (May, 1934)

ARTICLE 1 The impregnable foundation of the German Evangelical Church is the Gospel of Jesus Christ, as it is revealed in Holy Scripture and came again to the light in the creeds of the Reformation. In this way the authorities, which the church needs for her mission, are defined and limited.

ARTICLE 2, PARAGRAPH 1 The German Evangelical Church consists of churches (territorial churches).

We, assembled representatives of Lutheran, Reformed and United churches, independent synods, *Kirchentage* and local church groups, hereby declare that we stand together on the foundation of the German Evangelical Church as a federal union of German confessional churches. We are held together by confession of the one Lord of the one, holy, universal and apostolic church.

We declare, before the public view of all the Evangelical Churches of Germany, that the unity of this confession and thereby also the unity of the German Evangelical Church is severely threatened. In this year of the existence of the German Evangelical Church it is endangered by the more and more clearly evident style of teaching and action of the ruling ecclesiastical party of the German Christians and the church government which they run. This threat comes from the fact that the theological premise in which the German Evangelical Church is united is constantly and basically contradicted and rendered invalid, both by the leaders and spokesmen of the German Christians and also by the church government, by means of strange propositions. If they obtain, the church—according to all the creeds which are authoritative among us—ceases to be the church. If they obtain, moreover, the German Evangelical Church will become impossible as a federal union of confessional churches.

* * *

In view of the destructive errors of the German Christians and the present national church government, we pledge ourselves to the following evangelical truths:

1. "I am the way and the truth and the life: no man cometh unto the Father, but by me." (John 14:6)

"Verily, verily, I say unto you, He that entereth not by the door into the sheepfold, but climbeth up some other way, the same is a thief and a robber. . . . I am the door: by me if any man enter in, he shall be saved." (John 10:1, 9)

Jesus Christ, as he is testified to us in the Holy Scripture, is the one Word of God, whom we are to hear, whom we are to trust and obey in life and in death.

We repudiate the false teaching that the church can and must recognize yet other happenings and powers, images and truths as divine revelation alongside this one Word of God, as a source of her preaching.

* * *

2. We repudiate the false teaching that there are areas of our life in which we belong not to Jesus Christ but another lord, areas in which we do not need justification and sanctification through him.

* * *

3. We repudiate the false teaching that the church can turn over the form of her message and ordinances at will or according to some dominant ideological and political convictions.

* * *

5. "Fear God, honor the king!" (I Peter 2:17)

The Bible tells us that according to divine arrangement the state has the responsibility to provide for justice and peace in the yet unredeemed world, in which the church also stands, according to the measure of human insight and human possibility, by the threat and use of force.

The church recognizes with thanks and reverence toward God the benevolence of this, his provision. She reminds men of God's Kingdom, God's commandment and righteousness, and thereby the responsibility of rulers and ruled. She trusts and obeys the power of the word, through which God maintains all things.

We repudiate the false teaching that the state can and should expand beyond its special responsibility to become the single and total order of human life, and also thereby fulfill the commission of the church.

We repudiate the false teaching that the church can and should expand beyond its special responsibility to take on the characteristics, functions and dignity of the state, and thereby become itself an organ of the state.

Questions for Discussion

1. Should the religious person's loyalty be divided so unqualifiedly between loyalty to the church and to the state, as Luther's position dictates? Why? Why not?

2. What would you say are the positive features of a position such as Luther's?

3. Does Luther's separation of the two kingdoms and his strong emphasis on "the freedom of the Christian" and the sanctity of the individual religious conscience protect the person against the threat of political ideology, or not?

4. Luther did not hold obedience to "secular authority" to be absolutely unconditional. The prince cannot, for example, tell the religious believer to hold heretical doctrines or to give up the Bible, etc. Assuming Luther's position, what should and should not the civil authority require of the believer?

5. Do you agree with Luther's strictures against rebellion? Why? Why not?

6. Luther tended to see the state as a dike against sin and anarchy. Is that an adequate conception of the state and its role?

7. If God is sovereign over the entire Creation, isn't Luther correct in seeing God's will in certain natural "orders" such as the family, the law, and the state? What might be problematic about such a theory of "divine orders"?

Suggestions for Further Reading

Luther's Writings:

Kerr, Hugh T. A *Compend of Luther's Theology*. Philadelphia: The Westminster Press, 1966.

Porter, J.M. *Luther: Selected Political Writings*. Philadephia: Fortress Press, 1974.

These are excellently edited anthologies of Luther's writings. The latter contains a fine introduction on Luther's political thought and bibliography.

Luther's Life and Thought:

Bainton, Roland H. *Here I Stand: A Life of Martin Luther*. New York: New American Library, 1962. A scholarly and highly readable biography.

Rupp, E. Gordon. *The Righteousness of God*. Naperville, Ill.: Allenson, 1953. One of the best, short introductions to Luther's theology.

Germany, Lutheranism, and the Hitler Era:

Cochrane, Arthur C. *The Church's Confession Under Hitler*. Philadelphia: the Westminster Press, 1962.

Helmreich, Ernst C. *The German Churches Under Hitler*. Detroit: Wayne State University Press, 1979.

These are excellent accounts of the church-state struggle in Germany prior to and during National Socialism.

Chapter Six

The Case of Israel: A State Poised Between Secular Democracy and Theocratic Law

Should a pluralistic democracy, with religious freedom, establish civil sanctions for Orthodox Jewish Observance?

Israel is an interesting example of a pluralistic, democractic nation which has legalized norms of Orthodox Judaism in its civic life. Israel is regarded by the vast majority of its citizens as a Jewish nation which should be guided by Jewish traditions and norms. However, it has no officially established religion, nor do its laws require any particular religious affiliation for citizenship or office-holding. The Declaration of the Establishment of the State of Israel stated that

> . . . the State of Israel . . . will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race, or sex; it will guarantee freedom of religion, conscience, language, education, and culture; it will safeguard the Holy Places of all religions.[1]

Any religious group can apply for and receive official recognition by the government. Israel contains over 400 Christian churches. One of the largest in the entire Middle East, the Roman Catholic Church of the Annunciation in Nazareth, was constructed with financial and other assistance from the Israeli Government.

It is, however, difficult–most would say impossible–to distinguish between a purely national Israel and a Jewish state imbued with Jewish historical culture, religious consciousness, and even law. Judaic norms pervade the public life of Israel and are included in the nation's legal system. Orthodox rules, or *halakha*, are normative for Jewish citizens in several matters of public activity and personal status, such as marriage and divorce, which are overseen by Orthodox rabbinical courts. *Halakhic* rules also govern–though not uniformly throughout the nation–the observance of the Sabbath, matters relating to the military, and the administration of some state services and facilities. Religious schools are part of the state educational system. These manifold religious rules and policies which necessarily affect the personal action of every citizen are not by any means universally favored. They represent a delicate and often irksome compromise between the Orthodox minority and the rest of the citizenry, which includes a considerable range of religious observance and nonobservance and an equally large secular minority. Roughly speaking, it is estimated that close to 30% of the Jewish population may be classified as Orthodox and about 20% as secular. About half is more or less religiously observant or is favorably disposed toward some traditional religious observance. The majority, including secularists, do not wish to be dominated by Orthodox *halakha* but neither do they wish, it appears, to break completely with Judaism. What lies behind the–to outsiders inexplicable–acquiescence of many Israelis to Orthodox demands is the sense that the religious sanctions and observances do maintain and therefore do protect the Jewish character of the state and the unity of the Jewish people.

The modern history of Israel was signaled by the Balfour Declaration (1917), written by Arthur Balfour, British Foreign Secretary, which viewed "with favor the establishment in Palestine of a national home for the Jewish people." The present land of Israel came under the governance of the British Mandate after World War I and remained under it until May 15, 1948. On November 29, 1947 the United Nations General Assembly adopted a partition plan and established a Commission to supervise the creation of a new Jewish and a new Arab state. This plan led to the Arab-Jewish conflict. As a result, the United Nations reconsidered its partition plan, but while the debate was underway, the Jewish Agency for Palestine announced that the earlier proposed Jewish state would be proclaimed upon the termination of the Mandate. At a meeting of the Provisional State Council in Tel Aviv on May 14, 1947, David Ben Gurion, the future Prime Minister, read the Proclamation of Independence. The Constituent Assembly, or First Knesset, was then faced with the question of establishing a constitution.

The debate over a constitution for Israel focused sharply on the question of religion and state, for underlying the entire discussion was the question whether Jewish nationality would be conceived in secular or in religious terms. Many of the Zionist leaders wanted the constitution of Israel to embody national values, but the secularists among them saw these values largely in terms of the liberal guarantees of individual rights and democratic forms of governance. The strongly Orthodox opposed a written constitution. They did not want the ideals of secular Zionism permanently enshrined in the constitution of a Jewish state. The Orthodox made it clear that they would be forced not only to repudiate such a document but the state which approved it. As one religious party expressed it: "Israel's Torah* is her constitution." Another added: "A constitution is not enacted; a constitution is granted; it is granted by the Almighty." The Orthodox argument was essentially the following:

> There is no need in Israel for a man-made constitution; if it contradicts the Torah of Israel, it is a revolt against the Almighty; if it is identical with the Torah, it is superfluous. A constitution will lead to an uncompromising fight.[2]

The Orthodox, while repudiating a man-made constitution, were not, however, opposed to man-made secular laws–at least as temporary legislation–enacted by the parliament, the Knesset. The ultra-Orthodox aspired, of course, to have only the laws of the Torah apply to the life of the nation–but recognized that the time was not yet ripe. What the majority in Orthodoxy called for were basic laws which would include certain important religious legislation. The viewpoint of the religious parties was expressed by Rabbi I.M. Levin, the leader of Agudat Israel, an Orthodox party primarily concerned with preventing legislation prejudicial to religion and to seeing the state develop as a religious commonwealth:

> The aspiration of religious Jewry is that *only* the laws of the Torah shall be binding in the life of our State. But we know that the composition of the Jewish community in Israel being what it is, such a proposal is premature. We therefore presented a minimum programme which would satisfy the minimum demands of religious Jewry and avoid subjecting it to coercion. When these basic demands were guaranteed, we saw our way toward active participation in the organs of the State. The attempt to force upon us a Constitution counter to our principles contravenes the freedom of opinion which you espouse. Therefore, the protagonists of a Constitution are morally unjustified in their demands.[3]

In the ensuing debate it was not only the religious parties that opposed a constitution; other ideological groups rejected it as well. Some opposed any constitution which did not enshrine socialist principles in the life of the state. David Ben Gurion opposed a written constitution on other grounds. He preferred the British system of constitutional precedents, which would allow for parliamentary experience to build up, over the years, a democratic tradition. Furthermore, he was not prepared to wage a divisive, ruinous conflict on behalf of a premature constitution. A compromise was finally agreed upon whereby the Knesset was to enact Basic Laws piecemeal which would in time form a constitution. The compromise represented the approach which would largely be followed for the next three and half decades–a policy which has, however, left the religious-secular question ambiguous and unresolved.

Israel is a parliamentary democracy, the legislative body being the Knesset. The President of Israel is elected by the Knesset, and it is the President's constitutional function, after consultation with the political parties, to call upon a member of the Knesset to form a government which holds office as long as it retains the confidence of the Knesset. However, unlike Britain, Israel's parliament is based not on local constituencies but on proportional representation, which has led to a proliferation of political parties and which explains the important role of coalition politics and compromise in Israel–and the effect of such politics on the unresolved issues of religion and the state. Coalition politics ensured the religious parties their due at the very birth of the nation. Three institutions in particular have maintained something of a monopoly for the Orthodox rabbinate in the state:the Rabbinical Council and Courts and the Ministry of Religious Affairs.

Ever since the British Mandate a Rabbinical Council and Rabbinical Courts have existed in Israel. Until 1963 the Council was composed of eight rabbis, including two chief Rabbis representing the Ahskenazic (European) and Sephardic (Oriental) Jews. They are elected for five years by a specially appointed Electoral Assembly. Since 1963, the Council has consisted of twelve rabbis and it enjoys a unique authority over the interpretation of Jewish Law, which empowers the rabbis with legal and administrative state authority. The Chief Rabbinate also has responsibility for supervision of rabbinical ordinations, the certification of rabbis to teach in religious state schools, the training of religious judges, and the enforcement of some dietary regulations.

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*Torah is the Hebrew word meaning "teaching" or "guidance" which in the late biblical period came to be associated with the Law given by God to Israel in the Pentateuch, or the first five books of the Bible, as interpreted by the rabbis.

The rabbinical courts are judicial institutions of the state. The judges (*dayanim*) have jurisdiction over matters of marriage, divorce, alimony and over important issues of personal status, such as guardianship and adoption. The judges are appointed by the President of Israel for life and are paid by the state. Law empowers the rabbinical courts to require witnesses to appear before them, the non-compliant individual being subject to civil arrest and fines.

Israel is the only democratic country to have a cabinet-level post in religion, the Ministry of Religious Affairs. The Ministry has special departments to oversee matters for the non-Jewish religious communities, including the Muslim Druze, and several Christian churches. However, its prime activity has to do with overseeing Jewish religious affairs. Through its department of religious councils, the Ministry provides for the needs of 188 local Jewish religious councils, supported in part by state funding. The Ministry supervises all dietary regulations in government institutions and in public places. In cooperation with the rabbinate, the Ministry helps finance the nation's Talmudic academies (*yeshivot*), and financially assists in the building and maintaining of synagogues. It is also responsible for all administrative and financial matters associated with the Rabbinical Courts.The Ministry has been under the domination of the National Religious Party (Mafdal), the largest and most influential of the religious parties. The Ministry has thus worked closely with the rabbinate in its promotion of Orthodox Judaism.

From the inception of the State of Israel, the religious parties were able to gain religious concessions in the law. During the period of the Provisional Government two religious ordinances were passed. The Days of Rest Ordinance prescribed that the Sabbath and the Jewish festivals shall be days of rest in the State of Israel. The Kosher Food for Soldiers Ordinance ensured the supply of kosher food to all Jewish soldiers of the Israeli Defence Army. The Knesset passed the Jewish Religious Services Budgets Law on August 10, 1949. The law insured that the Government would bear one-third of the expense for the maintenance of Jewish religious services, two-thirds being the responsibility of the local authorities.

The religious parties have also been successful in legally establishing separate secular and religious state schools. The Compulsory Education Law of 1949 insured religious schools autonomy in a free and compulsory state primary school system. The State Education Law of 1953 further legalized the state's provision of religious education for children of parents who request it. Two parallel systems of elementary education were thus established: State Education and Religious State Education (see Reading 17). The law includes provision for a Council for Religious Education which must be consulted by the Ministry of Education concerning appointments to and programs for religious state schools. The Council may disqualify teachers, principals, and inspectors on religious grounds. Authority over pedagogical matters in the religious schools rests with the director of a Religious Education Department, who also is a deputy to the Minister of Education and is affiliated with the National Religious Party.

In any Israeli community where a religious state school does not exist, the parents of twenty-five children of one age group may demand the opening of a religious class for their children. The demand of 100 parents obliges the local authority to open a religious state school. The 1953 law further reflects religious and political compromise with the ultra-Orthodox Agudat Israel party in its "recognition" of the latter's autonomous school system. The curriculum of the Agudat Israel schools includes many more periods devoted to the study of the Bible and the Talmud and less time assigned to modern secular subjects. Presently the state pays 85% of the salaries of the teachers of the Agudat Israel schools, with minimum control and supervision of its pedagogical standards.

Alarm over the ignorance of and indifference toward religion by secular school children provoked the Knesset, in 1959, to pass a resolution to the effect that the Minister of Education prescribe a program of Jewish Consciousness for all non-religious state primary schools. The program as developed includes instruction in Jewish history, rites, customs and religious symbolism, weekly discussion of appointed portions of the Pentateuch, and greater attention to Talmudic writings in the study of Hebrew literature. A history syllabus for the secular primary schools includes the following:

> To foster in the children the notion that the sublime principles of Israel's religion, the vision of Israel's prophets concerning the Messianic era, the Jew's perseverence in the study of the Torah, the preservation of the unity of their religious ceremonial, their firm belief in Israel's divine Protector, their continuous attachment to their ancestral homeland, and their belief in redemption have endowed our people with the strength to resist all our enemies and to maintain our independence.[4]

Both the secular left and the ultra-Orthodox parties opposed the Jewish Consciousness program, but it was supported by the great majority. However, the program has not had much success in overcoming the ideological divisions between the secular and the religious communities of Israel. Laws concerning the observance of the Sabbath, marriage and divorce, and personal status (for example, the "Who is a Jew" controversy) have resulted in divisive and acrimonious conflict.

For observant Jews, the problem of Sabbath observance focuses on the question of whether they, as citizens of the state, should perform certain functions (even vital functions such as public transportation) or acquiesce in such activities when they are contrary to Jewish law (*halakha*). For secular Jews, Sabbath observance is perceived as a restriction on their civic rights. The Orthodox recognize that certain functions, such as hospitals and electrical power plants, must operate on the Sabbath. However, there remains a wide field of discretion and thus controversy, and different local authorities take divergent action. In some cities the cafes are open on the Sabbath, while in others they are closed. In both Tel Aviv and Jerusalem, bus transportation is suspended on the Sabbath, but bus service is maintained in Haifa. The restrictions on the activities of the secular Jews and, conversely, the liberalizing of secular activities on the Sabbath have outraged both secular and religious groups. Over the years this has resulted in growing acrimony and even in violence (see Reading 18).

One of the far-reaching actions of the Knesset, in terms of relations between religion and the state, was enactment of the Rabbinical Courts Jursidiction (Marriage and Divorce) Law in 1953. The law prohibits civil marriage and gives exclusive jurisdiction over Jewish marriage and divorce to the Orthodox rabbinical courts and the *Halakha* (see Reading 19). No other religious issue has so continuously engaged public debate over the last thirty years.

Eliezer Goldman summarizes the reasoning of the religious parties on the question:

> They themselves accept the *halakhic* norms of marriage and divorce and would have the state enforce them as law. Moreover, any legal regulation of marriage and divorce which differed essentially from halakhic ruling would, in all likelihood, create grave perplexities for religious Jews. Thus, a divorce decree granted by a civil court might be regarded as perfectly valid by the husband, whereas the wife might consider herself bound not to marry until she was granted a religious divorce. Furthermore, by Jewish law, a child of the second marriage of a woman whose first marriage had been dissolved by civil divorce only, would have in *halakha*, the status of a *mamzer* which would prevent its marriage to a Jew. Such problems, it was felt, could only be avoided by making the law governing marriage and divorce of Jews coincident with the *halakha*.
>
> Moreover in their view the introduction of civil marriage and divorce in Israel would disrupt the solidarity of Jewry the world over, the nation being divided into two non-intermarrying 'castes'. . . . Restriction of marriage between religious and non-religious would be unbearable. . . . Many an Israeli of secular view would see nothing wrong in marrying a non-Jew, who would become a Jewish national by accepting Israeli citizenship. But this would set a precedent for the Diaspora, where intermarriage is the gravest danger facing Jewish national existence. Adherence to the Jewish law of marriage and divorce is, thus, dictated by the obligation of Israeli Jews to Jewish survival the world over.[5]

The secularists deny the religious parties' fears. Jews married in a civil ceremony would remain Jews; the threat to Jewish existence is illusory, they argue. More importantly, Judaism must require voluntary acceptance, not coercion. To deny civil marriage and divorce is theocratic not democratic. The law is a violation of civil liberty; R.J. Zwi Werblowsky, a practicing Jew and a professor at Hebrew University, agrees and has sharply criticized the Orthodox position:

> Many Jews cheerfully go on believing that the responsibility for Jewish existence and unity requires that the State of Israel offend in the most flagrant fashion against . . . the Universal Declaration of Human Rights of December 10, 1948, according to which people are entitled to marry and to found families irrespective of race, nation, or creed.[6]

Despite the resentment and tensions which are perpetuated by the present status quo in religion-state relations, there is little likelihood of significant change in the unique authority afforded to Orthodox Judaism. Any major change would mean the end of Orthodox coexistence in the state, with serious, if not calamitous, results. Only a small minority of Israelis call for complete separation of religion and the state. Many Israelis of strikingly different ideologies acknowledge that, irksome as it is, the religious status quo is justified on the grounds of national unity. But it is not a happy situation. In the first decades of the State of Israel, the Orthodox often felt that with the status quo they actually lost ground. In recent years, however, they have successfully used the coalition form of government to strengthen their influence. Although the Orthodox dream of advancing traditional Judaism in the homeland has been largely frustrated, they have made significant gains in forcing civil law to conform to religious precept. Orthodox pressures recently resulted in a stricture against El Al, the national airline, from flying on the Sabbath. Thus, some Israelis contend that the Orthodox religion-state relationship, with its exercise of coercive legal religious powers, plus the inflexible and insensitive attitude of the Orthodox rabbinate, has been responsible for the estrangement of large segments of the populace from participation in religion.

There are stirrings of new religious interest following the ebbing of the earlier secular Zionist euphoria. Yet Israel is not experienced in assimilating pluralist trends, which we so take for granted in the United States. It is likely that Reform and Conservative Judaism will make inroads in the future and some legal accommodation will be made for them. At present, however, there are only a few small non-Orthodox synagogues in the country. The political leadership does not consider that this tiny representation warrants a potentially divisive change in present religion-state relations.

The religion-state problem in Israel is not, therefore, amenable to an easy or to a quick resolution—and this has to do with the very idea of a **Jewish** state. It lies at the heart of the ongoing debate over "Who is a Jew?"[7] Is being a Jew based on nationality or religion? None of the sensational legal cases, nor Knesset debates, have changed the *halakhic* interpretation of **the religious definition of personal status in Israel.** Religion and nationality are seen as symmetrical. Judaism in the dispersion outside Israel expresses itself, in its Unions and Councils, through autonomous resolutions and declarations which have strictly religious force. In the **State** of Israel, religious authority is expressed through and enforced by the laws and courts of the state. Here religion and politics are inseparable. The debate between Orthodox and Progressive Jewry in Israel continues. It is well represented in the short articles by Dr. I.S. Ben-Meir and Professor R.J. Zwi Werblowsky (see Readings 20 and 21).

Notes

[1] Joseph Badi, ed., *Fundamental Laws of the State of Israel* (New York: Twayne Publishers, 1961), p. 10.

[2] Meir David Levinstein, *Knesset Record*, 4:744. As cited in S. Zalman Abramov, *Perpetual Dilemma: Jewish Religion in a Jewish State*. (Rutherford, N.J.: Fairleigh Dickinson Press, 1976), p. 139.

[3] *Knesset Record*, 4:808. As cited in Eliezer Goldman, *Religious Issues in Israel's Political Life* (Jerusalem: World Zionist Organization, 1964), p. 59.

[4] Quoted from Aharon F. Kleinberger, *Society, Schools and Progress in Israel* (New York: Pergamon Press, 1969), p. 176.

[5] Eliezer Goldman, op. cit., pp. 75-76.

[6] "A Nation Born of Religion," *Israel Magazine*, Vol. 1, no. 5, (1968), p. 20.

[7] Space does not allow discussion here of the complex and fascinating story of the "Who is a Jew?" debate in Israel. For good, relatively brief accounts of the question, see S.Z. Abramov, op. cit., Ch. 9, and Norman L. Zucker, *The Coming Crisis in Israel* (Cambridge, Mass:, MIT Press, 1973) ch. 12.

* * *

Reading 17: Israel: Education Law

From *Fundamental Laws of the State of Israel* edited by Joseph Badi. New York: Twayne Publishers, 1961. Reproduced by permission of the publisher.

The State Education Law of 1953 established two parallel systems of state education, secular and religious. It provides for a Council for Religious Education with considerable authority, and "recognizes" non-official school systems, for example of the Agudat Israel, supported by state finances.

* * *

State Education Law, 5713-1953

1. In this Law–

"State education" means education provided by the State on the basis of the curriculum, without attachment to a party or communal body or any other organisation outside the Government, and under the supervision of the Minister or a person authorised by him in that behalf;

"religious State education" means State education, with the distinction that its institutions are religious as to their way of life, curriculum, teachers and inspectors;

"the curriculum" means a curriculum prescribed by the Minister for the official educational institutions with a view to attaining the object stated in section 2, and includes the "basic programme" to be prescribed by the Minister as an obligatory programme for every such institution.

"State-educational institution" means an official educational institution in which State education is provided, but does not include a religious State-educational institution;

"religious State-educational institution" means an institution in which religious State education is provided;

"supplementary programme" means a part of the curriculum to be prescribed or approved by the Minister under this Law and comprising not more than twenty-five per cent of the lesson hours in an official educational institution;

"supplementary programme for a religious State-educational institution" means a supplementary programme comprising the study of the written and oral religious law and aimed at a religious way of life, and includes religious observance and a religious atmosphere within the institution;

"pupil" means a child or an adolescent;

The other terms have the same meaning as in the Compulsory Education Law, 5709–1949 (hereinafter: "the Compulsory Education Law").

2. The object of State education is to base elementary education in the State on the values of Jewish culture and the achievements of science, on love of the homeland and loyalty to the State and the Jewish people, on practice in agricultural work and handicraft, on *halutzic* (pioneer) training, and on striving for a society built on freedom, equality, tolerance, mutual assistance and love of mankind.

3. From the school year 5714 onwards, State education shall be introduced in every official educational institution; in an official educational institution which in the school year 5713 belonged to the Mizrachi trend or the Agudat Israel trend or the religious section of the Labour trend, religious State education shall be introduced.

4. The Minister shall prescribe the curriculum of every official educational institution; in non-Jewish educational institutions, the curriculum shall be adapted to the special conditions thereof.

5. The Minister may prescribe for every official educational institution a supplementary programme to be introduced therein–either one programme for the whole institution or different programmes for different or parallel classes; in the case of a religious State-educational institution, one of the supplementary programmes for a religious State-educational institution shall be prescribed.

6. On the demand of the parents of pupils in an educational institution, the Minister may, on conditions prescribed by regulations, approve for that institution a supplementary programme other than that prescribed under section 5.

7. The Minister shall not exercise his power under section 6 if he is satisfied that another supplementary programme will involve extra expenditure; provided that if the extra expenditure devolves on a local education authority, he may exercise the said power with the consent of that authority.

8. The Minister may, on conditions prescribed by regulations, approve for an official educational institution, on the demand of parents of pupils in that institution, a programme for hours additional to the hours prescribed in the curriculum, provided that all the expenditure involved in implementing the additional programme shall be borne by the parents of the pupils educated thereunder or by the local education authority which has undertaken to defray it.

9. The Minister may, for experimental purposes, introduce in a particular official educational institution a curriculum not in accordance with the provisions of this Law; provided that he shall give advance notice of its introduction, in a manner prescribed by regulations, before the beginning of the registration under section 20, and provided further that such an institution shall not be designated as the only nearby institution in respect of pupils living in its vicinity.

* * *

11. The Minister may, by regulations, prescribe a procedure and conditions for the declaration of non-official institutions as recognised educational institutions, the introduction therein of the basic programme, the management and supervision thereof and assistance of the State towards their budgets, if and to the extent that the Minister decides on such assistance.

12. There shall be established a Committee on Matters of Education (hereinafter: "Education Committee"), the number of the members of which shall not be less than fifteen. The members of the Committee shall be appointed by the Minister with the approval of the Government, each for a period of four years. Those appointed shall be persons active in the field of education, employees of the Ministry of Education and Culture, whose number shall not exceed 25 per cent of the total membership of the Committee, and candidates of local authorities, the institutions of higher learning and the Teachers' Federation from lists submitted to the Minister upon his request.

13. There shall be established a Council for Religious State Education; the members of the Council shall be appointed by the Minister with the approval of the Government, each for a period of four years. Two members shall be representatives of the Minister, six shall be appointed from a list of twelve candidates proposed by the Minister of Religious Affairs, three from a list of at least six candidates proposed, in accordance with regulations, by teachers' organisations representing the religious teachers, and three from among the religious members of the Education Committee.

15. The Minister shall, in accordance with a procedure prescribed by regulations, consult the Council for Religious State Education before exercising any of the powers vested in him by this Law relating to religious State education, including the power to appoint the Director of the Religious Education Division in the Ministry of Education and Culture and the power to appoint inspectors, principals and teachers of religious State-educational institutions, but not including his powers under sections 12, 13, 31, and 32, nor his power under section 17 in respect of the first exercise thereof.

16. The supplementary programmes for religious State-educational institutions shall be prescribed by the Minister with the consent of the Council for Religious State Education.

17. The Minister shall enact statutes for the Education Committee and statutes for the Council for Religious State Education. The statutes shall lay down the procedure for the convening and work of the Committee and the Council and rules for filling the place of members who do not attend any meetings thereof, and such other provisions as the Minister may think necessary for carrying out the task of the Committee or the Council, as the case may be.

18. The Council for Religious State Education may, on religious grounds only, disqualify a person for appointment or further service as a principal, inspector or teacher at a religious State-educational institution. If a member of the Council objects to the disqualification decision, it shall not become effective so long as the objection has not been determined in a manner prescribed by regulations.

19. A teacher, or any other employee at an educational institution, shall not conduct propaganda for a party or other political organisation among the pupils of an educational institution.

* * *

Reading 18: Israel: Sabbath Laws

"Israelis Battle Over How to Keep Sabbath," by Edward Walsh. Washington Post 26 March 1984. Reproduced by permission of The Washington Post.

This news story, written by Edward Walsh, relates a recent incident in the ongoing conflict between secular and Orthodox Jews over the observance of the Sabbath. It gives an interesting account of the earlier and more recent political background of the religion-state tensions in Israel.

"Israelis Battle Over How to Keep Sabbath"

PETAH TIQVA, Israel—It happened on a recent Saturday, the Jewish Sabbath, at the Cafe Gan Eden. Rabbi Baruch Solomon, one of the city's two chief rabbis, led a group of protesters from a rally outside City Hall to the cafe. By the time the demonstration was over, the cafe was a shambles and the rabbi had been arrested, charged with inciting a riot.

It has been like that for weeks here, city officials say, a "carnival" of demonstrations and counterdemonstrations every Friday night and Saturday as the citizens of Petah Tiqva do battle over the question of how strictly the Jewish law on keeping the Sabbath holy will be enforced.

The dispute was set off Feb. 5 when the City Council relaxed the ban on operating places of entertainment between sundown Friday and sundown Saturday, the hours of the Jewish Sabbath. Five days later, the Heichal Theater began showing movies on Friday nights. The theater has been at the center of the storm, and the Cafe Gan Eden—the "Garden of Eden" cafe—which reopened after renovations at about the same time has been an auxiliary casualty.

They are able to joke about it here, chuckling over lines like, "After the rabbi visited the Garden of Eden the place looked like hell."

But the battle of Petah Tiqva, while only a skirmish, is part of a larger dispute within Israeli society that many believe poses the most serious long-term threat to the Jewish state. It centers on a simple question that has never been directly confronted in Israel: What is to be the role of Jewish religious law and practice in the Jewish state?

The problem has been swept under the rug from early in this century when the Zionist pioneers, many of them not only secular but fiercely antireligious, came to Palestine, joining an existing community of devoutly religious Orthodox Jews.

David Ben Gurion and the other founding fathers of the state of Israel finessed the problem, reaching an agreement with the religious community that the status quo that existed just before Israeli independence in 1948 would prevail in the new state.

An uneasy peace between the religious and secular communities has held since then but has been punctuated by violent confrontations. There were fist fights on the streets of Jerusalem in the 1950s after the city decided to open the first public swimming pool for both men and women, despite Orthodox practice against public mixing of the sexes.

Today, there is a fear in Israel that this long-standing split, inflamed by the workings of a political system that has given disproportionate power to a small party representing the Orthodox community, is growing more severe, with the two groups of Israelis being pulled farther apart while extremists in both camps gain influence.

Such a warning came last year from outgoing president Yitzhak Navon in his final Independence Day television address. Navon said the other divisons within Israeli society—for example the ethnic split between Jews of western origin and the newer community of North African and Middle Eastern immigrants—would work themselves out over time.

But on the religious-secular issue, Navon said:

> "The question is not if there will be arguments among us but if we will know how to conduct them. This question has become a central factor in our lives, in our ability to sustain democracy and, quite simply, to live with each other. . . . Unless people of good will in both camps learn to talk with each other, I sadly foresee increasingly grave developments."

Navon is not alone in this gloomy forecast. Itzhak Galnoor, director of the Levi Eshkol Institute at Hebrew University, recalls fighting, and usually losing, in the street battles with the Orthodox over the Jerusalem swimming pool. He said there has been an erosion of the political mechanisms that served as a bridge between the two communities.

"As a result, the distance between the two camps is widening," he said.

Navon issued his warning shortly after a particularly disturbing incident. On a Friday night, an Israeli inadvertently drove his car into Jerusalem's Mea Shearim neighborhood, a citadel of the ultra-Orthodox, in violation of their ban against driving on the Sabbath. The car was stoned and the driver critically injured.

To prevent such incidents, Jerusalem police now barricade the streets leading into Mea Shearim during the Sabbath hours.

In their long black frock coats, black hats, beards and forelocks, the Orthodox of Mea Shearim are a familiar but still vaguely odd sight on the streets of Jerusalem. Most are of Eastern European origin, their habits and practices rooted in the strict observance of the Sabbath, dietary and other Jewish laws followed by their ancestors in the besieged Jewish communities of Eastern Europe.

Secular Jews in Israel say they are more than willing to allow these Orthodox and the other religiously observant Israelis to follow their practices in peace.

But the secular community argues that it is being squeezed by an increasingly aggressive Orthodox bloc that threatens more infringements on daily life. As an example, they point to the 1982 dispute over El Al, Israel's national airline, which was forced to halt Sabbath flights by a government in which the small Agudat Israel Party, representing the ultra-Orthodox, holds the balance of power.

The danger, as many see it, is not just that the Orthodox will continue to press their demands for the adoption of religious laws governing daily life, but that there will be a violent reaction from the majority secular community.

Isolated incidents inflame the passions surrounding the issue. In one particularly grisly recent case, the body of a woman who had lived in Israel for years as a Jew but had never formally converted to Judaism was illegally dug up from a Jewish cemetery and reburied in a Moslem one.

The late night exhumation, in which two extremist Orthodox men have been arrested, apparently came in response to the ruling of a local rabbi that because she had not formally converted she was ineligible to be buried in a Jewish cemetery.

There was an uproar and the body was reburied in its original resting place. Leaders of the Orthodox community expressed shock and regret over the incident. Yet the cleavage in Israeli society is so deep that Jerusalem Mayor Teddy Kollek, who has battled his city's large Orthodox community for almost two decades, dismissed these statements with contempt.

"I think a majority of Orthodox rabbis believe it was right to dig up that body," Kollek said.

According to Moshe David Herr, professor of Jewish history at Hebrew University, Israel has never directly confronted this issue because it has always had more pressing matters on its hands.

"The issue can't be avoided forever," he said. "It could be postponed this long for the reason that there was no peace between us and our [Arab] neighbors."

Because of these other issues, and because the two sides saw they needed each other, accommodations were reached. Even the most severely secular of the Zionists, Herr noted, needed to pay at least lip service to the Jewish religion or be faced with the uncomfortable questions, "Why this place? Why was a Jewish homeland acceptable only in Palestine?"

Most of the religious community saw in the course of 20th century history, climaxing with the Nazi Holocaust, irrefutable evidence of the imperatives of Zionism. There grew in Palestine a political movement that was both religious and Zionist, the forerunner of Israel's National Religious Party, which has been a part of virtually every government in the country's 36-year history.

The crowning achievement of the instinct for accommodation was the status quo agreement engineered by Ben Gurion on the eve of statehood. It was decided that individuals would be free to pursue their religious practices in private as they saw fit.

Public questions such as "Shall the buses run on Saturdays?" were to be frozen in time, with what prevailed before statehood continuing by common consent.

This has led to some anomalies in Israel today. During much of World War II, Herr said, the port of Haifa was the largest Mediterranean port controlled by the allied powers. It was essential to the British, who governed Palestine then, that there be public transportation seven days a week in the port city.

Even today, Haifa and a few towns that are part of its municipal orbit are the only places where the buses run on Saturday.

Similarly, no newspapers are published in Israel on the Sabbath because Jewish publications in pre-statehood Palestine did not publish on Saturday. But the British operated the Palestine Broadcasting System every day, so today state-run Israeli radio and television have regular programming on the Sabbath.

From the beginning, politics and religion were intertwined in the Jewish state. The National Religious Party, which Galnoor describes as the traditional "bridge" between the two communities, was a regular partner of the ruling Labor Party.

In a gradual process that began after the 1967 war, Galnoor said, the National Religious Party began to lose power. Other parties that were also religious and Zionist sprang up around it, sapping its strength. But the ultra-Orthodox bloc, although small, held steady, and by 1977 the Agudat Israel Party, guardians of strict religious orthodoxy, were a key part of the government. The four parliamentary votes the party holds today are enough to bring the government down.

Many critics of the Orthodox say the political leverage this has given to Agudat Israel is a primary source of increased friction. They resent the vast increase since 1977 in government payments to yeshivas, the Orthodox Jewish seminaries whose students are exempt from military service.

Rabbi Menachem Porush, a leader of Agudat Israel in parliament, dismisses the criticism of his party as "false propaganda" by the Labor Party because of bitterness over the Orthodox alliance with Labor's main rival, Likud. The "ultra-Orthodox," a term Porush said he rejects, do not wish to create a Jewish theocracy in Israel but merely to return to the status quo of Ben Gurion's day.

Critics of these Orthodox, who include many religiously observant Jews, charge that Agudat Israel will push its demands as far as it is allowed to. They point to the party's proposed law on archeology, which would turn over to religious authorities the power to prevent excavations thought to endanger the sites of ancient Jewish burial grounds.

The most controversial measure is the so-called "Who is a Jew?" law that would amend Israel's Law of Return, which grants automatic Israeli citizenship to any Jew or convert to Judaism. The proposal would restrict this to those converted according to the rites of Orthodox Judaism.

Ostensibly, it would affect only converts, but critics charge that it would sever the spiritual ties between Israel and all non-Orthodox Jews, including the vast majority of American Jews.

Both of these measures, and dozens more like them, are part of the coalition agreement under which Agudat Israel agreed to join the Likud government in 1977 and 1981. Yet neither has been enacted, nor are they likely to be. Cynics here say this is because in addition to their devotion to Jewish law, the leaders of the ultra-Orthodox are shrewd politicians who know how far they can push the non-Orthodox majority.

"Soccer is more sacred than the Sabbath," said Mordechai Wirshubski, a gadfly opposition member of parliament and an outspoken critic of Orthodox leaders. He noted that every Saturday, even in Jerusalem, popular soccer matches are held in flagrant violation of the Sabbath law.

As in other religious disputes, it was politics that touched off the conflict here. In municipal elections last fall, the Labor Party and its secular allies made gains and formed a governing coalition. The city's "religious front" was shut out of power and could not prevent easing of the regulations on Sabbath entertainment.

Almost since that day, according to Dan Ben-Canaan, the spokesman for Dov Tavori, the Labor Party mayor of Petah Tiqva, the mayor had a 24-hour police guard because of threats and other municipal officials and their families have been threatened.

Avi Oren, a Petah Tiqva lawyer and one of the founders of a citizens' group that pushed for the change in the law, said the parents of Petah Tiqva got tired of seeing their children run off every Friday night to the pleasures of nearby Tel Aviv, which by Israeli standards is a wide open city on the Sabbath.

"We don't force them [the Orthodox] to go to movies or prevent them from going to synagogue, so I don't see any reason why they should prevent us from having our entertainments," Oren said. "We see it as a fight for our civil rights."

There is evidence that more and more Israelis see the long-standing conflict in these terms. Last week a new Movement Against Religious Coercion was announced.

Herr said it may be years before Israel directly confronts the religious issue and seriously attempts to come to terms with all the questions put aside during its early struggles. Meanwhile, he said, much will depend on whether the old instinct for accommodation prevails in the face of increasing polarization.

But sooner or later, Herr said, "The question of religious identity will rise, because for an old people you can't create a new idea."

Reading 19: The Rabbinical Courts Jurisdiction

From *Fundamental Laws of the State of Israel* edited by Joseph Badi. New York: Twayne Publishers, 1961. Reproduced by permission of the publisher.

The Israeli Marriage and Divorce law gives complete and exclusive control of all marriages and divorces in the Jewish community of Israel to the Orthodox Rabbinical Courts. The Law prohibits civil marriage and thereby prevents the disruption of Jewry in Israel into two non-marrying castes.

Marriage and Divorce Law of 1953

1. Matters of marriage and divorce of Jews in Israel, being nationals or residents of the State, shall be under the exclusive jurisdiction of rabbinical courts.

2. Marriages and divorces of Jews shall be performed in Israel in accordance with Jewish religious law.

3. Where a suit for divorce between Jews has been filed in a rabbinical court, whether by the wife or by the husband, a rabbinical court shall have exclusive jurisdiction in any matter connected with such suit, including maintenance for the wife and for the children of the couple.

4. Where a Jewish wife sues her Jewish husband or his estate for maintenance in a rabbinical court, otherwise than in connection with divorce, the plea of the defendant that a rabbinical court has no jurisdiction in the matter shall not be heard.

5. Where a woman sues her deceased husband's brother for *chalitza** in a rabbinical court, the rabbinical court shall have exclusive jurisdiction in the matter, also as regards maintenance for the woman until the day on which *chalitza* is given.

6. Where a rabbinical court, by final judgment, has ordered that a husband be compelled to grant his wife a letter of divorce or that a wife be compelled to accept a letter of divorce from her husband, a district court may, upon expiration of six months from the day of the making of the order, on the application of the Attorney General, compel compliance with the order by imprisonment.

7. Where a rabbinical court, by final judgment, has ordered that a man be compelled to give his brother's widow *chalitza*, a district court may, upon expiration of three months from the day of the making of the order, on application of the Attorney General compel compliance with the order by imprisonment.

8. For the purpose of sections 6 and 7, a judgment shall be regarded as final when it is no longer appealable.

9. In matters of personal status of Jews, as specified in article 51 of the Palestine Orders in Council, 1922 to 1947, or in the Succession Ordinance, in which a rabbinical court has not exclusive jurisdiction under this Law, a rabbinical court shall have jurisdiction after all parties concerned have expressed their consent thereto.

10. A judgment given by a rabbinical court after the establishment of the State and before the coming into force of this Law, after the case had been heard in the presence of the litigants, and which would have been validly given had this Law been in force at the time, shall be deemed to have been validly given.

11. The Minister of Religious Affairs is charged with the implementation of this Law.

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*Performance of the ceremony releasing him from the duty of marrying her.

Reading 20: Religious Law and The Secular State

From "The Case for Orthodoxy," by I.S. Ben-Meir. *Israel Magazine*, Vol. I, no. 5, 1968. Reproduced by permission of Dr. Judah Ben-Meir.

In the following essay, I.S. Ben-Meir vigorously defends the maintenance of Orthodox norms in the life of the nation Israel. He sees the Jewish religion as inextricably linked to nation, people, and land, and argues, on sociological grounds, that the Torah or Jewish Law, as interpreted by the Orthodox Rabbis, be applied to all aspects of life which affect the community as a whole. Ben-Meir insists that the Torah is essential to the maintenance of the State.

"The Case for Orthodoxy in Israel"

Ever since man appeared on earth, religion has been one of the primary forces moulding his mind, motivating his deeds. It is often impossible to set a precise boundary between religion and secularism. Take the present-day codes of laws. They are an outgrowth of religious moral precepts. Characteristically, if paradoxically, the fathers of the American Constitution, even while propounding the separation of Church and State, invoked the Scriptures in support of political proposals. For the individual, religion is a matter of faith. But where the community is concerned, religion oversteps theology to enter the realm of sociology. In fact, there is a school of thought which holds with Prof. Darlsheim ("De la Definition des Phenomenes Religieux,"gique, L'Annee Sociologique, Vol. XX, pp. 1-28) that religion is altogether a social phenomenon. The sociological nature of Judaism is incontestable. The Torah, so far from confining itself to the duties of man towards God, encompasses the whole relationship between man and man and between man and the community. There exists no corner of life with which it does not deal. It sets up social disciplines side by side with theological ones.

The Torah is a national faith. In the Orthodox view, to accept the faith is at the same time to be a member of the Jewish people and to cherish the ancestral land. Conversely, severance from the nation or denial of the land constitutes a rejection of the faith. A sinner remains a Jew so long as he is part of the national community. If he divorces himself from his people, however, then he ceases to be religiously a Jew, no matter how virtuous he is.

It is this unison between faith, nation and the one and only Promised Land which enabled the Jews to retain their identity through centuries of exile and dispersion and which led them back to Zion.

In modern times, two attempts were made to disrupt the unity. Over a century ago, the originators of Reform Judaism broke away from the concept of Jewish nationhood. For the sake of emancipation, the Jew was to identify himself with the nation in whose territory he resided. What was left of his Jewishness was purely religious and cultural. The thus assimilated Jews, like the Christian and the Moslem, looked upon the land of Israel as no more than a sacred relic.

All references to nation and land were deleted from prayers. This entailed a negation of virtually all commandments, for even those relating to the individual are often inseparable from the national context. The Sabbath and the holidays lost their meaning. The inevitable sequel was a high incidence of intermarriage and conversion to Christianity.

Secular Zionism favoured a cleavage in the opposite direction. Primary importance was accorded to Jewish nationhood and the rebuilding of Zion. Jewish theology, on the other hand was scrapped.

This outlook presented obvious difficulties. Israel's claim to the ancestral land is a religious one. Even the historical approach is based on religious teachings–the land was divinely promised and granted. The sense of nationhood, retained by the Jewish people through 18 centuries of dispersion, was a product of religious doctrines and commandments.

To the Jews, nationality and religion were like a pair of twins joined together by a single brain and spine. Any attempt at separation might cause destruction to both.

The non-religious settlers, even the anti-religious ones, saw the problem and tried to overcome it by secularisation of religious tradition. All religious rites in Passover were abolished, but the holiday remained as a spring festival. Rosh Hashana became simply the beginning of a new year, and the Day of Atonement was turned into a day of accounting. The settlement on the land and its rehabilitation became a faith and the attainment of social values the only way of life. This ideology, which Orthodox Jewry rejected as illogical and impractical, got by so long as the major efforts of the people were applied to the rebuilding and reclamation of the land. But a long-simmering crisis boiled up with the establishment of the State, with mass immigration, with the in-gathering of the exiles who needed to be integrated into a nation in its homeland.

The formation of a nation is a sociological process. The mere settlement of people on a specified territory, even if they use the same language and have a democratic form of government based on social values, is insufficient. There has to be a long-shared history, a common way of life, which distinguishes these people from all others and sets them apart as a nation. Such a bond takes generations to develop. But the Jew in Israel already has a way of life that is thousands of years old. It has stood the test of time and has preserved his national identity even in long exile. This way of life must therefore serve as the base for national integration.

It is from this angle that the controversy between the Orthodox and their opponents in Israel should be viewed. It has never been suggested that performance of the religious duties of the individual shall be enforced by legislation. The issue has been and is: What collective image shall the Jewish nation establish and maintain in its homeland? What the religious community demands is that the Torah be applied as a sociological doctrine, as a way of life for the Jews in Israel. It is agreed that the theological aspect, concerning the purely individual duties, be left to personal conscience and faith. These can only be obtained through education, persuasion, conviction. Without faith a person cannot be asked to fast on Yom Kippur, or attend the synagogue. Commandments relating to the orderly functions of society, on the other hand, such as marriage and divorce, or Sabbath and holiday observances by commerce and industry, involve the nation as a whole. Affected is a way of life which is essential to the nation's unity, to the creation of social and behavioral norms that should distinguish it from other nations, and preserve the Israel Jews' bonds with their fellow Jews in the Diaspora.

Failure to follow this procedure could jeopardize Israel's very existence. The attempt to isolate the national from the religious is a fallacy which has already borne bitter fruit. A native Israeli stood up in Parliament recently to query–for the first time in the history of the State–the logic and the justice of the Law of Return, which opens the gates of this country to all Jews. Many young Israelis, while ready to lay down their lives in the defense of their hearth and home, find no affinity with Jews from other lands. The issue was succinctly put by Prof Rotenstreich, of the Hebrew University, when he declared that one cannot strike root in Israel without fixing his roots into Judaism as well.

But, it is often argued, all these things belong to the province of education. Legislation on these subjects constitutes religious coercion. Actually, the point is not whether a law is coercive–most legislation is of the coercive kind–but whether is is necessary for the public welfare.

As for the religious inspiration of any set of laws, this gratifies the faithful but is quite irrelevant to non-believers. Historically the religious laws preceded the secular. There can be no legal codes without laws which have their source in religion. The basic prohibitions of stealing, murder, false witness, all are religious.

It makes no sense to say that the laws may not be adopted because religious people advocate them. One may as well taboo social laws because these are desired by the poor or the working classes. What counts is whether the laws are essential for the benefit of the State or the people.

Let us therefore take a look at some of these so-called coercive laws. The major complaints are usually heard in the field of marriage and divorce. All civilized states provide legal procedures and sanctions in this domain of behavior. Many states make divorce possible only for specific cases, some of them only in case of adultery, some prohibit divorce altogether. In Israel, the religious law is applied. Divorce may be granted by consent of both parties. In case of failure to consent, the husband may be compelled–if there is cause therefore–by civil sanctions, including imprisonment, to give his consent. The consent of the wife can never be compelled, but in exceptional cases the Chief Rabbis may grant permission to the husband to marry again, with provisions for support and maintenance of the wife from whom he is separated.

As to marriage, Jewish law has certain definite prohibitions. Hardship cases may arise. But I do not know of any marriage law which may not cause hardships. All states forbid the marriage of close relatives. The Christian Catholic faith prohibits marriage of cousins. This prohibition may also be found in a number of states which not only are not Catholic, but whose Constitution provides for a complete separation of Church and State. Some states prohibit the remarriage of a spouse found guilty of adultery. All these prohibitions create hardships. However, since the prohibition is general and in accordance with the way of life practiced by the state, it is not only permissible coercion, but is required in order to protect the interests of society.

Israel secular law has adopted the religious dictates of marriage and divorce in order to preserve the unity of the nation and sustain its way of life. These religious rules have therefore become the social norm protected by the state for the nation in Israel. Hardships undoubtedly occur, but must be subordinated to the welfare of the whole.

Social laws provide limitation as to hours of employment. Night work is prohibited for women. Children under a certain age may not be employed. All these laws are coercive, especially if both the employer and the worker are thereby caused financial loss. It is no greater coercion to prohibit employment or even self-employment on the Sabbath and the holidays. No one challenges the right of interference with individual freedom on grounds of nuisance, health or economic interest. The zoning laws may deny freedom for building where one pleases. What is known as the Chanowitz legislation concerning exhaust fumes prevents economic activity for health reasons, and may restrain the individual's use of his car. Traffic laws may prohibit the traveling of certain vehicles in certain areas. What is the reason for the outcry against closing certain areas to traffic on the Sabbath, if they constitute a nuisance to the population? And why aren't public vehicles prohibited to travel on the Sabbath if our social norms so require it? Is religion less a sociological factor than nuisance, or health, or economic interest?

Similar reasoning may be applied to all the so-called religious coercion. Why shouldn't the Torah's rules as to commercial law be adopted in the State? Why should we copy from other codes when our own is sufficient?

To the Orthodox, the sociological approach is of course insufficient. The Torah should be fully observed in all its commandments. The Orthodox hope and are confident that, in time, with proper education, all Jews will return to their faith and full observance of the Torah. But, in the meantime, it is incumbent upon the Orthodox, as well as the non-believers, to protect and preserve the national identity. This can be done only by the adoption—by the secular state—of the Torah way of life, insofar as it is applicable to society as a whole.

Reading 21: The Case for Progressive Jewry in Israel

From "A Nation Born of Religion," by Dr. R.J. Zwi Werblowsky. *Israel Magazine*, Vol. I, no. 5, 1968.

This article is written by Dr. R.J. Zwi Werblowsky who has served as Dean of the Faculty of the Humanities and as Professor of Comparative Religion at the Hebrew University, Jerusalem. He has written widely in the field of religion. Here Werblowsky raises serious questions regarding the relationship in Israel between religion and nation or peoplehood and argues that Orthodoxy has collaborated in allowing religion to be viewed as a political means rather than as an end.

"A Nation Born of Religion"

Twentieth-century secular western man has difficulty in envisaging a religion identified with peoplehood. He has been conditioned to view religion as concerned with absolute truth, ultimate values (whatever these terms may mean), and hence also as being universal and cutting across the boundaries of nationality and race. The underlying assumption is that, as an absolute, religion is—or at least should be—different from folklore, national language, and all the other cultural manifestations which give a group its characteristic individuality. Now this relatively modern view of religion, obvious as it may appear, is anything but matter-of-course. In most primitive and ancient civilizations, religion is part and parcel of the life of natural groups (e.g. tribes or peoples) or political units (e.g. cities or states), and is concerned with the needs of the group and in its dealings with the supernaturals—the ancestors, the gods, or god. In many cases such a religion does not bother about the gods of other groups "for all people will walk every one in the name of his god" (Micah 4:5), rather like every people speaking each its own language. Any assault on the traditional religion is therefore considered as undermining the foundations of the body politic: it arouses the wrath of god or the gods, and brings disaster upon the people and the land. Hence it is only reasonable that the state should assume responsibility for safeguarding the national-social-religious tradition with its feasts, observances, taboos and cults, for without them society can have neither existence nor stability. We can easily understand why Socrates was forced to drink the cup of hemlock, and why the Roman Empire in its most syncretistic period persecuted Christianity.

The unity of national (or tribal, or ethnic, or civic) consciousness and religion is found even in modern societies and not infrequently also in the case of universalist religions. Some countries define themselves as Christian (or, as in Portugal or Spain, as Catholic); and in Ceylon, for instance, Buddhist and Singhalese consciousness are so much identified that anything detrimental to Buddhism (e.g. Christian missionary activity) is decried as treason to the national Ceylonese cause. In Japan the doctrine of *seisei-itchi* i.e. the unity of Shinto (as the essence of the Japanese Way) and of the State was for some time dominant.

Nevertheless the case of Judaism is unique in several respects. (Since the adjective "unique" is often misunderstood as a value judgment, I think I had better explain that every cultural phenomenon, like every language, is somehow unique. By describing anything as unique one is really saying nothing at all, unless one intends—as in the present case—to point out the special features that make for the individual uniqueness of the phenomenon under consideration).

In the first place, most of the known religions that are specific to a particular group are, as a rule, not exclusive. Thus the existence and efficacy of other gods may be recognized and their worship by other groups may be considered as legitimate. Alternatively their existence may simply be ignored, but they would rarely be denounced and denied. Here Judaism struck out in a new direction. While all Gentile people walk every one in the name of his god (who is, anyway, sheer vanity and nothingness), Israel claims that its Lord alone is the God of heaven and earth and all the fulness thereof. In the second place, this identity of peoplehood and religion is not adventitious. It is not the result of the absorption, by a people, of an extant religion. Nor of the influence of a religious system on a people's history and character as, for example, in the case of Christianity and western society, or Islam and Persia and Pakistan, or Buddhism and Ceylon and Burma. The people and its religion seem to have grown together. In fact, Jewish tradition always insisted that it was a religious calling that had brought the people into existence. It was God who called the ancestor out of Ur and bade him leave his country and his kindred and his father's house for the land that He would show him (Genesis 12:1), and who made a covenant with him, knowing that he would "command his children and his household after him to keep the way of the Lord, to do justice and judgment". This covenant was ratified at the Exodus and at Mount Sinai where Israel accepted the calling to be "a kingdom of priests and a holy nation" (Exodus 19:6). In the tenth century C.E. the first great Jewish Aristotelian thinker, R. Sa'adyah Gaon, expressed the traditional doctrine in the trenchant formula: "this nation is a nation solely by virtue of its Torah". The dependence of Israel's very existence on its religious ground found expression in the historiography of the biblical writers. The biblical view of history is extremely naive: if thou shalt hearken unto the voice of the Lord then success, health and blessing are assured, whilst disobedience will be punished by famine, pestilence, defeat and exile. As an account of history this is surely inadequate; but it is impressive indeed as a testimony to the fact that there was a conception of history and that this conception insisted on linking historical experience with what was conceived as its religious ground.

The process of the emergence of the Jewish people and of the formation and development of their religion undoubtedly passed through many stages, but the curious fact is that our extant records simply do not reflect this process. We do not know how exactly the specific religio-national consciousness of Israel arose, and which inner factors and outer pressures shaped it. The biblical books do not show us the process by which the characteristic Jewish identity developed. They present this identity and its underlying theology in a more or less crystallized form, and it is in this form that we have to take it. Professional Old Testament scholars may amuse themselves with speculative exercises in reconstructing the beginnings and the formation of Jewish peoplehood and religion. The ordinary historian can do no more than note that what really matters in this case is the manner in which a certain type of belief and self-understanding functioned in actual reality. In other words, the crucial point for an understanding of Jewish history is not the question whether or not the Jewish people were born in religion, but rather the undubitable fact that since biblical times this was precisely the way in which the Jews saw themselves and experienced their existence. It is idle to speculate what would have happened if the great missionary movement during the Roman period had been more successful and the Jews had converted many more Gentile tribes and peoples. For all we know, too spectacular a success of the Jewish proselytizing enterprise might have resulted in an erosion of the national-ethnic element. But the question is irrelevant since we are dealing not with "ifs" but with the facts and realities of Israelite history. And the basic fact is that not only is Judaism (as a religion) related in a much more intimate and exclusive way to the Jewish people than, for instance, the Christian Church to western civilization or Islam to the Arabs; but also that it has traditionally been considered to be both the efficient and the final cause, the fountainhead and the purpose of Israel's existence.

These well-known and rather commonplace facts determine the nature of modern Jewry's predicament. I am not speaking of those post-assimilation Jews for whom Judaism is a "denomination" (Catholics, Protestants, Jews), but rather of those who acknowledge as axiomatic the national quality of Jewish existence. This group, which includes of course most Zionists, would argue that 19th and 20th century Jewish nationalism is not a vain thing newly invented but is merely the modern manifestation of traditional Jewish consciousness, different from previous expressions only in the sense that modern nationalism is different from earlier forms of national consciousness. No doubt this view of things is somewhat overstressing the element of continuity and glossing over the *cesura* —or is it a real break?—which modern secularism has wrought. However, by the very affirmation of his national, that is, historical existence the secular Jew lands himself in a quandary. For to want to be a national Jew, even if only a secular one, implies the affirmation of some kind of Jewish continuity and diachronic solidarity, and hence also a relationship of that Jewish Heritage of which orthodoxy has made itself the (at times forbidding) guardian. Jewish culture has for so long been so thoroughly and essentially religious that there are no alternative strands to choose from, and by comparison every non-religious Jewish identity appears as impoverished. It is all very well to appreciate the religious tradition of the past as a beautiful thing or as the legitimate expression of earlier stages of Jewish existence, or as the tin which preserved the Jewish people in the diaspora from assimilation and disintegration, but this kind of half supercilious and half nostalgic evaluation is certainly no substitute for a *Weltanschauung* that can give substance and content to a contemporary Jewish identity. The pitiful "Jewish Consciousness" program in the Israeli schools more than proves the point. The same is true, *mutatis mutandis*, of diaspora Jewry whose synagogues function as a kind of respectable, metaphysical sanction for group cohesion and Jewish solidarity; their actual Jewish life is lived in the swimming pool of the Jewish Community Center (or in social and charitable activities) rather than in synagogue services, and Jewish schools are built not in order to teach the children their way to God but "lest the kids marry out".

At this point it may be necessary to enter a caveat. The preceding account of the constitutive role of religion in historical Jewish peoplehood does not, of course, imply that it would have to play the same role in the future. Whether or not one extrapolates from the data (or alleged data) of the past program for the future has nothing to do with history but is a matter of ideology and personal choice. History as such does not provide any guidelines for the future, though propagandists and ideologists never hesitate to abuse history for their purposes. An historical account is, by definition, descriptive. Ideologists use descriptive accounts as if they were prescriptive. In point of fact, progress is often made by jettisoning an historical tradition.

Slavery has been a major traditional institution in many civilizations, and yet there were people who felt that this particular heritage was more honored in its breach than in observance. Since the days of Ezra and the earlier author of Deuteronomy Jews have been firmly convinced that mixed marriages constitute the greatest threat to Jewish distinctness and survival. In fact, Jewish distinctness and group survival became invested with the halo of an absolute value, and hence many Jews cheerfully go on believing that the responsibility for Jewish existence and unity requires that the State of Israel offend in the most flagrant fashion against 16(1) of the Universal Declaration of Human Rights of December 10, 1948, according to which people are entitled to marry and to found families irrespective of race, nation, or creed. The fact that an allegedly "secular" majority in Israel puts up with this scandal shows to what extent originally-religious patterns have been "internalized" by Jewry at large; it may also bring us nearer to an understanding of the real problem. For there is a point where the orthodox Jew, who holds that Israel was not only born in religion but continues to exist solely through and for its religion, meets the national Jew who agrees that in the absence of any major secular tradition, certain elements of the religious heritage have to remain embedded in our national culture if Israel wants to remain itself, that is, to go on living with a sense of historic continuity. The result is a curious alliance between those for whom religion is—theoretically at least—the be-all and the end-all of Jewish life, the *raison d'etre* for Israel's existence, and those for whom religion is just one useful element—like the Hebrew language—in defining and preserving national individuality. This also explains why certain elements of the *halakhic* tradition are charged with high explosives and not infrequently command the allegiance of the self-styled secularists too. Why, for instance, riot in honor of the Sabbath or make a *casus belli* of a kibbutz raising pigs or a butcher selling pork when, throughout the country, barbers can give you a shave and newspapers carry advertisements for razor blades? The supermarket shops had their *kashruth* license revoked because they sold meat from the *(kasher)* Marbek abattoir with which the Rabbinate had a quarrel, but both the supermarkets and other *(kasher)* shops sell razor blades. Surely the Rabbinate knows full well that according to their own *Shulhan Arukh*, shaving is as heinous a sin as eating *trefah*. However between the butchers and the barbers we may be getting nearer the heart of the problem. For the question is not really a *halakhic* one—at least for the non-orthodox majority. It is, essentially, a question of tact and of "feel" for the imponderables of what is supposed to be the "Jewish" character of Israeli culture. There is much ado about Sabbath observance and *kashruth* because, unlike electric shavers, they are associated in our "collective consciousness" with Jewishness (whatever that may mean). Hence Sabbath drivers are stoned but barbers are not, which is just another way of saying that while everybody is agreed on the necessity of Israeli life and culture exhibiting a "Jewish character," opinions are divided as to what exactly this implies and how it is to be brought about.

The demand, in a sense legitimate, for *Shabbath* and *kashruth*, reveals a disturbing inconsistency in the Jewish attitude toward the religious character of public life. Whereas diaspora Jewry thrives on the separation of Church and State and is, in fact, intent on "de-christianizing" the Christian nations, it demands that Israel should not only be free, democratic, etc., but also "Jewish." London can have a Jewish Lord Mayor precisely because it is no longer a "Christian" city (or, at least, much less so than it was in the Middle Ages). All public buildings in Israel have a *mezuzah* at their doors and Jews are glad of it—not because they all affirm the theological implications of a *mezuzah* but because, like national colors or a coat of arms, it demonstrates "Jewishness". But the same Jews would be outraged if the City of New York declared itself so Christian as to require that a Crucifix be put in every room in every public building, school or hospital. The "Jewish Consciousness" program and similar arrangements in Israel (e.g. many of the programs of Kol Yisrael) are reminiscent, in more than one way, of the period of State Shinto in pre-war Japan. There the "Bureau of Religion" (Shukyo Kyoku) which supervised the administration of all religious groups, sects and denominations—for officially there was full freedom of religion—was part of one ministry, while the "Bureau of Shinto Shrines" (Jinja Kyoku) came under the Ministry of the Interior. For Shinto was, after all, not a matter of theological beliefs but of Japanese culture, national identity and historical solidarity.

Of course, it can be argued that the Jewish case is different from that of Christian or Buddhist civilizations since the Jewish religion is not only **characteristic** but also **constitutive** of Jewish existence. But this argument, as has been shown above, surreptitiously substitutes a prescriptive for a descriptive statement. It reflects an historical position but not necessarily an obligation towards the future. People still worry about *Shabbath* and *kashruth* not because the latter are part of the religion that gave birth to the Jewish people, but because they feel that the Jewish people gave birth to certain traditions, behavior-patterns and culture items and that it cannot remain itself (supposing it wants to remain itself) if callously and thoughtlessly it cuts itself off from its past. The problem is therefore twofold. The secularist is faced with his desire for the impossible—an authentic and legitimate Jewish commitment that disregards the traditional religious sanctions and presuppositions of Jewish existence. The orthodox, on the other hand, are gaining one Pyrrhic victory after the other: they achieve a measure of public observance of religion not merely by coalition haggling but essentially by prostituting the *halakha* and seeing it turned into a kind of national folklore. Spinoza once observed that the Jews would survive as long as they practiced circumcision, just as Chinese culture would persist as long as the Chinese kept their pigtails. Perhaps the analogy is fallacious, but it may help to draw attention to the blasphemous demotion of religion from the rank of an end to that of means. In fact, modern Israel, with its worship of the Bible and its "Jewish Consciousness", provides an almost unique confirmation of Durkheim's thesis: in religion, society is worshipping itself and its existence. Whether the people born of religion can go on living with their religion, viz, whether their religion will prove dynamic and adaptable enough to be "livable with" or even infuse a new sense and a direction into life, no historian would venture to predict. But the alternatives of secular cynicism on the one hand, and of a pseudo-religious national mythology on the other are certainly frightening enough.

Questions for Discussion

1. What is it in the Israeli **political** system which requires compromise and which has allowed the orthodox minority to wield such disproportionate power?
2. Is the presence of rabbinical councils and courts consistent with the democratic guarantees concerning religious freedom, as articulated in the *Declaration* establishing the State of Israel?
3. Is it appropriate that the Ministry of Religious Affairs and the Deputy Minister of Education should be closely associated with the Mafdal political party?
4. How do you respond to the government's support of the program of Jewish Consciousness in the state schools? What might be problematic—both politically and religiously—with such a program?

5. What impels many non-observant or religiously progressive Jews to accept the legal restrictions of the Orthodox minority, e.g., the marriage and divorce laws? Are the arguments for accommodation to Orthodox norms compelling in view of the circumstances of the State of Israel and worldwide Jewry?

6. Which side of the debate, that of Ben-Meir or Werblowsky, do you find most convincing (see Readings 20 and 21)? Why?

Suggestions for Further Reading

General Background:

Eckardt, Alice and Roy. *Encounter with Israel: A Challenge to Conscience*. New York: Association Press, 1970.

This is a highly readable, sympathetic account aimed to foster understanding of modern Israel, her people, and her place in the Middle East.

On issues of religion and state:

Abramov, S. Zalman. *Perpetual Dilemma: Jewish Religion in the Jewish State*. Rutherford, N.J.: Fairleigh Dickinson Press, 1976.

Goldman, Eliezer. *Religious Issues in Israel's Political Life*. Jerusalem: World Zionist Organization, 1964.

Leslie, S. Clement. *The Rift in Israel: Religious Authority and Secular Democracy*. New York: Shocken Books, 1971.

Zucker, Norman L. *The Coming Crisis in Israel: Private Faith and Public Policy*. Cambridge, Mass: MIT Press, 1973.

Chapter Seven

Separationism: The Witness of the Free or Believers' Church

"What does the emperor have to do with
the church?" –Donatus

To this point we have examined a number of ways–from theocracy to the Lutheran doctrine of the "two realms"–in which the "establishment" of religion has been justified, even in the modern state, and ways in which the state has been given a religious sanction. We have selected examples from all three of the great western monotheistic religions: Judaism, Christianity, and Islam–and from several European and Middle Eastern nations. You may have noted that, outside the United States, both Catholicism and Protestantism have until recently supported the union of church and state in the form of established territorial or state churches or, at the least, have called for state recognition and support of the Christian religion.

In the history of Christianity there has, however, been a third tradition which has opposed any form of state establishment of religion and has stood for the radical separation of church and state. This tradition traces its beginnings to small, often fiercely opposed, movements of church reform in the German-speaking territories of continental Europe in the 16th century and the English Separatists (Congregationalists, Baptists) of the 17th century. For the past four centuries these Separatist or Free Churches have been a patient, often courageous, yet minority witness against the state church and religious establishment both in Europe and in Britain. However, the greatest **political** impact of the Free or "Believers" Church, including such groups as the Baptists, the Mennonites, the Quakers, and the Disciples of Christ, has been in the United States. In fact, some historians consider the experiment of the Free Churches in America and their influence on the life of this nation, including the "wall of separation" between church and state, to be one of the most distinctive characteristics of American life. An acute observer of the United States once remarked that "The glory of America is a free Christianity, independent of secular government, and supported by the voluntary contributions of a free people.... This is one of the greatest facts in modern history."[1]

The Separatist impulse within Christianity had its origin, however, in Europe. The Protestant Reformation of the 16th century is popularly associated with the great classical Reformers, Luther, Calvin, and Ulrich Zwingli. What is often not known is that the Reformers' attack on the Catholic Church and their call for evangelical freedom unleashed a host of movements calling for reform and a restoration of pure, primitive Christianity. A large number of these new reform movements on the Continent, which are not encompassed by the doctrines of Classical Protestantism, are referred to as the "Left-Wing" or the "Radical" Reformation. This movement is represented especially by those "separatist" communities which were called by their opponents Anabaptist, since they rejected infant baptism and insisted on the "rebaptism" of adult believers. Believers' baptism is an important, but not the principal, tenet of the Anabaptist reformation. At the heart of Anabaptism is a call for the restitution of the true primitive church. This involves a radical form of New Testament discipleship and a "separation" from the world as that world is represented by the state and its use of coercion and the sword.

The origins of Anabaptism are traced to the "Swiss Brethren," a close circle of early followers of the Reformer Zwingli in Zurich, who broke with him over his acquiescence to state authority. Zwingli wished, with his followers, to institute a reformed service of the eucharist in place of the Catholic Mass, as being more consistent with Bible Christianity. However, Zwingli wanted to receive the approval of the city council before taking such action. Several of his followers, including Conrad Grebel and Felix Mantz, disagreed and charged Zwingli with subordinating the church to the dictates of the state. The differences are revealed in an exchange in 1533 between Zwingli and a Swiss Brethren:

> Zwingli: My Lords (the council) will decide how to proceed henceforth with the Mass. Simon Stumpf: Master Ulrich, you have no authority to place the decision in the hands of My Lords, for the decision is already made: the Spirit of God decides.[2]

An historian has remarked of the significance of this apparently minor incident:

> The decision of Conrad Grebel [and men like Stumpf] to refuse to accept the jurisdiction of the Zurich council over the Zurich church is one of the high moments of history, for however obscure it was, it marked the beginning of the modern "free church" movement.[3]

The Zurich Anabaptists soon attacked Zwingli's defense of infant baptism and declared believer's baptism to be biblically normative. Grebel first baptized George Blaurock, a priest from Chur, on January 21, 1525. On March 25 the Town Council decreed that all who would henceforth be rebaptized would be exiled. The issue was not primarily baptism but, rather, opposing views of the church and its relation to the state. The decree of the Town Council was followed by repressive measures against the Anabaptists in other cities. They were harrassed, terrorized, exiled, and executed. Their property was subject to confiscation. Grebel, Mantz, Blaurock, and others were imprisoned. Mantz was executed by drowning, and many other Anabaptist leaders, including Balthasar Hubmaier, Jakob Hutter, and Michael Sattler were burned at the stake. In the movement's first decade over 5,000 Swiss Brethren were put to death.

The persecution in Switzerland forced the Brethren to flee to the Tyrol, to South Germany, Moravia, and Holland. The Dutch leader of the movement, Menno Simons (1496-1561), (after whom the Mennonites are named), spoke of the suffering and martyrdom endured:

> For how many pious children of God have we not seen during the space of a few years deprived of their homes and possessions for the testimony of God and their conscience.... Some they have roasted and burned alive. Some, holding their own entrails in their hands, have powerfully confessed the Word of God still.... Others wander aimlessly hither and yon in want, misery, and discomfort ... hated by all men, abused, slandered, mocked, defamed, trampled upon, styled 'heretics.'[4]

As the movement spread—at great costs of discipleship and martyrdom—it also consolidated. The spiritual successors of these early Anabaptist groups are the Mennonite churches of Europe and North America, the communalistic Hutterite societies, the later Old Order Amish, and the Church of the Brethren. While differing in certain ways, these churches share distinctive tenets. First, they insist on voluntary membership in the church through adult or believer's baptism. Furthermore, they hold to a separation of the church from "the world" and require an often radical form of Christian discipleship. They reject the idea of an established church or any union of the church and the state. Their "citizenship" is expressed through mutual aid and sacrificial service to brethren in need.

For our purpose here, we can attend briefly to their teachings on the relations of church and state.The Anabaptists were united in their commitment to restore the church to what they perceived as the pattern of primitive Christianity—namely, a voluntary, free church, based on believer's baptism, separation from the world, and complete independence from the state. The state is not to be employed in assisting the church in carrying out its work or maintaining its discipline. The church represents an entirely spiritual government. Its only authority and sanction rests on the final threat of the **ban,** or expulsion from the community of believers. It was succinctly expressed by the theologian Hubmaier and in the Schleitheim Confession of 1527, an excellent summary of the tenets of Anabaptism. (On limits of the state, spiritual governance, and the ban, see Reading 22.) Jakob Hutter's words regarding separation from the world are representative:

> Furthermore, we have sundered ourselves from worldly society and its loathsome life and have gone out from it. Thereby God makes us free and purifies us from the world and all its creatures through affliction.[5]

The Anabaptists see the world—somewhat as did Luther, but with different social consequences—divided between two kingdoms, one of God and the other of the devil. The two are locked in continuous conflict. The "separation" is affirmed in the fourth article of the Schleitheim Confession:

> A separation shall be made and from the wickedness which the devil planted in the world; in this manner, simply that we shall not have fellowship with them the wicked and not run with them in the multitude of their abominations.... For truly all creatures are in but two classes, good and bad, believing and unbelieving, darkness and light, the world and those who have come out of the world ... none can have part with the other.[6]

All persons not in the Believer's Church were, in the eyes of the Anabaptists, citizens of the kingdom of the devil, including those members of the state church. The fact that the state church, whether it was Roman, Lutheran, or Calvinist, persecuted the Believer's Church was evidence enough that it was of the world and the devil.

The Anabaptists taught that civil government began with the fall and sin of man and, being an instrument of coercion and the sword, is an expression of God's wrath. Nevertheless, by upholding peace and order, government is positively willed by God, temporarily at least, and is to be **obeyed passively.** (On the role of government, see Reading 23.) The Anabaptists hold a more thorough and radical view than did Luther of those worldly activities which are contrary to the will of God. The Anabaptist norm is the radical demand of the Sermon on the Mount. The point, expressed in the Schleitheim Confession, is that "the sword [meaning the coercive state] is ordained of God **outside the perfection of Christ.**" But it is the perfection of Christ which is normative for the believer. Therefore, the spiritual heirs of the Anabaptists have—with different emphases—refused to pay taxes (especially for armaments), to hold civil office, to serve in the military, or to take oaths (see Reading 24). The price which many in the Free Church tradition have paid for their separation and even opposition to the state has been distrust, vilification, and charges of being unpatriotic, unrealistic, and cowardly.

In recent years the Mennonites have become less certain about what "separation" from the world involves in a rapidly changing society. The traditional rural isolation of these churches is now encroached upon by urban society and a technological culture. Modern government is not only coercive; it also engages in fields of social welfare—such as mental health care, a service close to the heart of the Mennonite ideal of "mutual aid." More and more these "separatist" churches are joining with the state in the effort to ameliorate social evils. They now tend to favor forms of public service, such as teaching, which serves the common good but which does not involve coercion and violence, as does police or military service. Since World War II, American Mennonites have issued several statements which represent their current thinking on the theme of "separation from the world" and relations between church and state (see Reading 25). While it is true that these heirs of Anabaptism have, more or less, "settled in" and have, to some extent, accommodated their religion to the American way of life, the official teachings of the churches continue to reflect the radical "separatist" ideal of "sitting loose" from the world and of **not** "being at ease in Zion." (The current situation is nicely summarized by an historian of the movement:

> The thinking of the Believers' Churches has not fully responded to the changed political situation, but it is shaping around the following assumptions. The church seeks to be true to its own genius, and practices discipleship in its present setting. At the same time it helps the state live up to its own best self-understanding of its responsibilities. Negatively put, the church resists the attempts to sacralize the state or to allow the state to take to itself religious prerogatives. The church also guards against entrapment by the culture—religion. It does not expect the state to operate upon the ethic of the New Testament, but it does call upon it to deal justly. Totalitarian claims must be rejected, but the church can work with the state in many areas of life.[7]

Some Mennonites, Quakers, and Brethren would, of course, regard the above statement as reflecting a tragic "fall" from the primitive Christian ideal and from the traditional Anabaptist opposition to office holding, oaths, and military service, that is, to a radical **passive obedience** to the state.

Before concluding this discussion of the tradition of religious "separationism," brief mention should be made of that other strand—the Puritan Separatists in England—which, together with the Anabaptists, has contributed to those truths, e.g., the voluntary church, separation of church and state, and religious liberty, which we in the U.S. today hold as self-evident. We will focus exclusively on the Puritan Separatists' teaching concerning separation of church and state, since their theology and discipline were and remain, in important respects, different from that of the Anabaptist tradition.

It is generally recognized that it was the English Puritan Separatists, and not the Anabaptists, who had the most profound and direct influence on the American tradition of separation. Initially, the English Puritans called for a reform of the Church of England along lines proposed by the Continental Reformers, especially by Calvin. The reason was that the "Elizabethan Settlement" had left the English Church a mixture of both Catholic and Protestant doctrine and practice. The early Puritans were represented, however, by two factions. One called for a Calvinist reform of the Church of England, but one that would be secured within the established Church. The second group felt that the state's involvement with the Church restricted the freedom of the Church and, therefore, any true reform. They demanded separation from the establishment.

The first separationist leader in England was Robert Browne (1550-1633), an Anglican priest, who through contact with the Dutch Anabaptists became convinced that only by separation from the state could the Church properly and freely conduct its affairs. Browne came to favor a congregational form of church government—each congregation freely conducting its own life unfettered by outside influence—as being closest to the New Testament model. He is generally recognized as the "father" of modern Congregationalism. "The Church planted or gathered," wrote Browne, "is a company or number of Christians or believers, which by willing covenant made with their God, are under the government of God and Christ, and keep his laws in one holy communion."[8]

The early English Congregationalists held a somewhat ambiguous attitude toward government, for some sought to promote state support of Congregationalism. Browne's "Reformation without tarrying for any" meant, however, no tarrying within a national or state church. Others, however, wanted to maintain the paternal protection of the state once political power was achieved. In time the refusal of the Stuart monarchs and the Anglican Church to accept Puritan reform drove the more traditional Puritans into Nonconformity and the demand for radical separation of church and state.

The early leaders of Congregationalism were hesitant about believer's baptism and other Anabaptist tenets. One such leader, however, was to play a role in the beginnings of the English Baptists, forerunners of the Baptist Churches in America. John Smyth, a former Anglican clergyman, became pastor of the Gainsborough Separatist Church in 1606, bringing with him one Thomas Helwys. The refusal of James I to give the Separatists more liberty forced Smyth and Helwys, with their congregation, to migrate to Amsterdam. There they became convinced of the error of infant baptism as unbiblical; Smyth rebaptized himself, Helwys, and other members of the congregation. Thus came into being the first English Baptist congregation. Later Smyth joined the Mennonites, but his friend Helwys was not able to follow him. Helwys returned to London with a dozen followers and, in 1612, established the first Baptist Church on English soil. Helwys' writings against the state church soon found him in Newgate prison. His work, *The Mystery of Iniquity*, is a bold plea for the right of universal religious liberty. Helwys insisted that

> Our Lord the King is but an earthly King, and he hath no authority as a King but in earthly causes, and if the King's people be obedient and true subjects, obeying all human laws made by the King, our lord the King can require no more: for men's relation to God is betwixt God and themselves: the King shall not answer for it, neither may the King be judged between God and Man. Let them be heretics, Turks, Jews, or whatsoever, it appertains not to the earthly power to punish them in the least measure.[9]

It is clear from Helwys' insistence on "obeying all human laws made by the King" that there were differences between the English Baptists and the continental Anabaptists. The former believed in taking oaths, in holding office, and even serving in the military. Both groups agreed, however, on the separation of church and state and on religious liberty and toleration.

After the "Glorious Revolution" of William and Mary (1688), England emerged as a nation divided between two religious groups: the Established Church and a growing population of Dissenters or Nonconformists, or between what came to be called Church and Chapel. The Nonconformists were never again to achieve the political power which they enjoyed under Oliver Cromwell in the 17th century. However, in the latter decades of the 19th century, the Nonconformist churches were able, in political union with the Liberal Party, to once again zealously support efforts to disestablish the Church of England.

By the turn of the century the Nonconformist churches had, however, lost their political hold on the Liberal Party. The call for disestablishment has not since achieved comparable political support in England. A typical 20th century English Nonconformist view of the relations of church and state is the essay by the Baptist leader, John Clifford (see Reading 27). While calling for separation, one can note a much more positive attitude toward the responsibilities of the state. The true political impact of the Separatist churches must, as we have indicated, be looked for not in Europe but in the United States.

Notes

[1] Philip Schaff, cited in Donald Durnbaugh, *The Believers' Church* (New York: Macmillan, 1968) p. 249.

[2] Quoted in Cornelius J. Dyck, ed., *An Introduction to Mennonite History* (Scottdale, Pa: Herald Press, 1967), p. 29.

[3] Harold S. Bender, Ernest Correll, and Edward Yoder, *The Life and Letters of Conrad Grebel* (Goshen, Ind: Mennonite Historical Society, 1950), pp. 99-100.

[4] Quoted in John C. Wenger, *Even Unto Death: The Heroic Witness of the Sixteenth-Century Anabaptists* (Richmond, Va.: John Knox Press, 1961), p. 51.

[5] Quoted in Franklin H. Littell, *The Origins of Sectarian Protestantism* (New York: Macmillan, 1964), p. 90.

[6] Quoted in Harry Emerson Fosdick, *Great Voices of the Reformation, An Anthology* (New York: Random House, 1952), p. 289.

[7] Durnbaugh, op. cit., 262.

[8] From, "A Booke Which Sheweth . . . ," in Albert Peel and Leland H. Carlson, eds. *The Writings of Robert Harrison and Robert Browne* (London: Published for the Sir Hallen Stewart Trust, 1953), p. 227.

[9] Thomas Helwys, *A Short Declaration of the Mistery of Iniquity* (London: Kingsgate Press, 1935), p. 69.

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Reading 22: The Spiritual Government of the Church

From *Anabaptism in Outline* ed. by Walter Klaassen. Scottdale, PA.: Herald Press, 1981. Reproduced by permission of the publisher.

The following selections are representative of the Anabaptist position on separation from the state and spiritual governance. Pilgram Marpeck was a leader of the South German Anabaptists between 1530 and 1556 and an important writer. Bathasar Hubmaier was an Anabaptist leader in Moravia (1526-28) where he served a large congregation. He wrote numerous important theological works. Michael Sattler was an outstanding Anabaptist leader in South Germany. He presided over the conference at Schleitheim (1527) which adopted a famous Anabaptist confession of faith. Sattler was tortured and burned at the stake for his faith.

* * *

Pilgram Marpeck, "Confession," 1532

I admit worldly, carnal, and earthly rulers as servants of God in earthly matters, but not in the kingdom of Christ. According to the words of Paul, to them rightfully belongs all carnal honour, fear, obedience, tax, toll, and tribute. However, when such persons who hold authority become Christians (which I heartily wish and pray for) they may not use the aforementioned carnal force, sovereignty or ruling in the kingdom of Christ. It cannot be upheld by any Scripture. To allow the external authority to rule in the kingdom of Christ brings blasphemy of the Holy Spirit, who alone is Lord and Ruler without any human assistance. And if false teachers desire to lead astray, the true sheep do not listen to the voice of strangers; they are soon known by them. Where the governmental authority is used as it was in the Old Testament, to root out the false prophets, Christ's Word and Spirit are weakened, and are turned into a servile spirit designed to uphold insufficient and weak laws. For the Word of God is the sharp, two-edged sword, separating and chastising false and true, good and evil.

Balthasar Hubmaier, "A Christian Instruction," 1526-1527

Leon: What power have those in the church over one another? *Hans:* The power of fraternal punishment. *Leon:* What is fraternal punishment? *Hans:* When one sees his brother sin, he should go to him lovingly and reprove him fraternally in secret, that he may cease from his sins. If he does so cease, his soul has been won. If he is not successful, let him take two or three witnesses with him, and remove the offence before them on the second occasion. If the man submits all is well; if not, let it be told to the church. The church will call him to appear before it and reprimand him a third time. If he desists from his sin you have won his soul. (Mt. 18). *Leon:* Whence has the church this power? *Hans:* From the command of Christ when he said to his disciples: all that you bind on earth shall be bound in heaven also, and all that you loose on earth, shall be loosed also in heaven (Mt. 18, Jn. 20). *Leon:* On what basis may a brother use this power over another? *Hans:* On the basis of the baptismal vow, whereby man submits himself to the church with all its members according to the word of Christ. *Leon:* How if the reproved sinner will not amend? *Hans:* Then the church has the power and right to exclude him as a perjurer and an oath-breaker, and to put him under a ban. *Leon:* What is a ban? *Hans:* It is an exclusion and separation of such a nature that from then on no Christian may have fellowship with such a man, not in words, meat or drink, in grinding or baking, or in any other way. He must consider him as an heathen and publican, that is, an offensive, disorderly and poisoned soul, who is bound and given over to the devil. One must avoid him and flee from him, lest by fellowship with him, the whole church visible be evil spoken of, shamed, despised and deteriorated through his evil example. Rather a man is to be shocked through this punishment that he may examine himself, and die to his sins. For truly as God lives, what the church binds or looses on earth is bound or loosed in heaven. *Leon:* What are the causes for exclusion? *Hans:* Not being willing to be reconciled to one's brothers, or not desisting from sin. *Leon:* Why do they exclude a man? *Hans:* Not on account of six shillingsworth of hazelnuts, as the papists have done up to now, but on account of grievous sin. It is done for the good of the sinner, that he may look into his own heart, take stock of himself, and abandon sin. *Leon:* If he abandons sin, and avoids all paths on which he might fall and amends, how does the church treat him? *Hans:* It receives him again joyfully, like a father receives a lost son, as Paul did with the Corinthians (Lk. 15, 2 Cor 2), opens the doors of heaven to him, and lets him reenter the fellowship of the Lord's Supper.

Michael Sattler, Schleitheim Confession, 1527

II. We have been united as follows concerning the ban. The ban shall be employed with all those who have given themselves over to the Lord, to walk after [him] in his commandments; those who have been baptized into the one body of Christ, and let themselves be called brothers or sisters, and still somehow slip and fall into error and sin, being inadvertently overtaken. The same [shall] be warned twice privately and the third time be publicly admonished before the entire congregation according to the command of Christ (Mt. 18). But this shall be done according to the ordering of the Spirit of God before the breaking of bread, so that we may all in one spirit and in one love break and eat from one bread and drink from one cup.

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Reading 23: Governmental Authority: The Rod of God's Anger

From *Anabaptism in Outline* ed. by Walter Klaassen. Scottdale, PA: Herald Press, 1981. Reproduced by permission of the publisher.

Peter Riedeman (1506-56) was a Hutterite bishop and missionary and an important theological writer. He is referred to as the second founder of the Hutterite brotherhood of Austria, the first being Jakob Hutter. Here Riedeman addresses the question of proper governmental authority, why government is ordained, and whether rulers can be Christian.

* * *

From Peter Riedeman, "Account," 1542

CONCERNING GOVERNMENTAL AUTHORITY

Governmental authority is appointed and ordained by God as a rod of his anger for the discipline and punishment of the evil and profligate nation. Therefore Paul names it a servant of God's vengeance, by means of which God will avenge himself on their sins and bring the evil they have done upon their own head, that their wickedness might not continue to spread and that the whole earth might not on their account become blemished and unclean. Therefore one should be obedient and subject to rulers as ordained by God for the purpose of protection, in so far as they do not attack the conscience or command what is against God. As Peter exhorts us saying, "Submit yourselves to every ordinance of man for the Lord's sake: whether it be to the king, as supreme; or unto the governors, as unto them that are sent by him" And Paul says, "Remind them to be subject to the principalities and powers, to obey magistrates, to be ready to every good work."

Therefore is one rightly obedient and subject to them, and the more diligent one is therein, the better is it and the more pleasing to God. For whosoever resists this, resists the ordinance of God. Where, however, the rulers command and act against God, there one must leave their command undone, and obey God rather than man. For the conscience has been set free and is reserved for God alone, that he and no human being may be Lord of the same and ruler over, teach and direct it whithersoever it pleases him. Therefore, wherever the government presumes to lay hands upon the conscience and to control the faith of man, there it is robbing God of what is his. Therefore it is wrong to obey it in this. Now, since the office of government is an ordinance and establishment of God and because it has been appointed and ordained by God, within its own limits it is right and good, but where it is abused, this same misuse is wrong. The office, nevertheless, remains as it was ordained. Therefore is the office to be honoured. For, even though godless men fill it, the office is not thereby annulled. And God permits this to the godless for the greater punishment of the people. But just as a godless government is given to the nation by God as a punishment, even so is a disobedient nation given to the godless government, that they might tear and devour one another and at last be consumed together.

WHY GOVERNMENTAL AUTHORITY HAS BEEN ORDAINED

Governmental authority has been ordained by God because of the turning aside of the people, in that they turned away from him and walked according to the flesh. For God says, "My Spirit shall not always strive with men, for they are flesh." For this reason, after the flood, he ordained governmental authority for them to be a rod of the anger and vengeance of God, to shed the blood of those who have shed blood.

And again, when Israel had once more turned away from the Lord who was their King, had forsaken him and desired a king, God spoke to Samuel, "They have not rejected thee, but they have rejected me, that I should not reign over them. They do to thee as they have always done. Since the day that I led them up out of Egypt they have forsaken me and served other gods, therefore hearken unto their voice and give them a king."

From these words we see how governmental authority grew and from whence it came, namely, from the wrath of God; even as it is written, "You said, Give us a king. I gave you a king in my anger and took him away again in my wrath." Thus, it is evident that governmental authority is not of grace but is given in disfavour and anger, and that after the turning away of the people. Since they forsook God and followed the flesh, flesh had to have dominion over them.

Therefore the government is a picture, sign and reminder of man's departure from God, and ought well to be to all men an urge to retire within themselves and to consider to what they have come and to what they have fallen, that they might with all the more haste turn back to God to receive again the grace they had lost. There are few, however, who consider thus, therefore do they remain in their sins.

Over and above all this, because governmental authority is a servant of God's anger and vengeance, as long as it has being it indicates that God's anger and wrath is still over sinners and is not at an end.

WHETHER RULERS CAN ALSO BE CHRISTIANS

Here begins a quite other kingdom and reign, therefore that which is old must stop and come to an end, as also the symbol of the Jewish royal house signifies, which was there until Christ came, as the scriptures declare, "The sceptre shall not depart from Judah until the hero, Christ, shall come." Therefore it is ended, stopped and broken in Christ. He now sits upon the throne of his father, David, and has become a king of all true Israelites. He also has now begun a new regime that is not like the old one and is not supported by the temporal sword.

Now, since the regime of the Jews, who until then were God's people, came to an end in Christ, ceased and was taken from them, it is clear that it should be no more in Christ, but it is his desire to rule over Christians with his spiritual sword alone. That the power of the temporal sword was taken from the Jews and has passed to the heathen signifies that from henceforth the people of God ought no longer to use the temporal sword and rule therewith; but ought to be ruled and led by the one Spirit of Christ alone. And that it has gone to the heathen signifies that those who do not submit themselves to the Spirit of Christ–that is, all heathen and unbelievers–should be disciplined and punished therewith. Therefore governmental authority has its place outside Christ, but not in Christ.

Thus God in Christ, alone, is king and commander of his people, as it is written, "God hath set a ruler over every people, but over Israel he alone is Lord." Even as he is a spiritual king, he also has spiritual servants and wields a spiritual sword–both he and all his servants–that pierces soul and spirit.

Now because the Son was appointed by the Father, as it is written "I have set my king upon my holy hill of Zion," and given not in anger like the other but in blessing, and has become a source of blessing to us all (as, indeed, it had been promised that in him all peoples should be blessed), therefore, even as the other was ordained to shed the blood of him who sheds a man's blood, this king has been ordained to preserve the souls of men; as the other to take vengeance on evil, this to recompense it with good; as the other hate the enemy, this is ordained to love. Thus is Christ King of all kings, and at the same time the opposite of all the rulers of this world; therefore he says, "My kingdom is not of this world: if my kingdom were of this world then would my servants fight for me."

Thus, he sets up quite a different kingdom and rule and desires that his servants submit themselves to it and become like him; therefore he says to them, "The princes of the world are called gracious lords, and the powerful exercise dominion over the people, but it shall not be so among you: but let him who is the greatest among you be your minister." Thus the glory of Christ and of his servants consists in the putting off of all worldly glory. And the more one puts this aside, the more glorious he becomes in Christ's kingdom, as the word shows, "Whosoever exalteth himself shall be abased, and whosoever humbleth himself shall be exalted."

Now because in Christ our King is the full blessing of God–yea he is himself the blessing–all that was given in wrath must come to an end and cease in him, and has no part in him. But governmental authority was given in wrath, and so it can neither fit itself into nor belong to Christ. Thus no Christian is a ruler and no ruler is a Christian, for the child of blessing cannot be the servant of wrath. Thus, in Christ not the temporal, but the spiritual sword rules over men, and so rules that they deserve not the temporal sword, therefore also have no need of it.

If one were to say, however, "It is necessary because of evil men," this we have already answered in saying that the power of the sword has passed to the heathen, that they may therewith punish their evildoers. But that is no concern of ours; as Paul says, "What have I to do to judge them that are without?" Thus no Christian can rule over the world.

To this someone might say, "Then according to this view, the way to life is closed to those in governmental authority!" We say, "No", for Christ says, "Come unto me all ye that are weary and heavy laden. I will refresh you and give rest unto your souls." Therefore is this free to all–to rulers as well as to subjects. Whosoever comes to him will he in no wise cast out.

Therefore if rulers divest themselves of their glory as Christ did, and humble themselves with him and allow Christ, only, to use them, then the way to life would be as open to them as to others. But when Christ begins to work in men, he does nothing except what he himself did–and he fled when men sought to make him a king.

If, however, their spirits remain unbroken and they remain in their glory, Christ himself says, "Whosoever divesteth not himself of all that he hath–yea, of his own life also–cannot be my disciple." From this it is clear that not only governmental authorities but all who still cleave to created things, and forsake them not for Christ's sake, are not Christians.

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Reading 24: Can the Christian Hold Civil Office, Serve in the Military?

From *Anabaptism in Outline* ed. by Walter Klaassen. Scottdale, PA: Herald Press, 1981, Reproduced by permission of the publisher.

The following passages are taken from the works of several important Anabaptist writers of the 16th century. Marpeck, Sattler, and Riedeman have been identified in the introductions to Readings 22 and 23. Conrad Grebel was the chief founder of Swiss-South German Anabaptism. He is regarded by historians as shaping and as best representing original Anabaptism as it has come down to the present day. All of the selections deal with the question of whether the Christian can serve the state in public office or in the military, or can take oaths.

* * *

Pilgram Marpeck, "Defence"

The kingdom of Christ is not of this world. For this reason no true Christian may administer cities and protect countries, nor people as an earthly lord. Nor may he use force, for that is the function of earthly and temporal rulers but never of true Christians under the cover of the faith in Christ. This is what many false [Christians] have undertaken to do in our time, among them the Papists and the Evangelicals (as they call themselves). Even today they demonstrate their attempt to exercise earthly power by protecting cities, rulers, and lords under the cover of the gospel. I fear that they will have another experience like that of the peasants' revolt.... No true Christian may exercise force in the name or under the cover of Christ and the gospel or faith in Christ, nor must he do this as the worldly power and sword does and must do over the kingdom of this world....

Conrad Grebel, "Letter to Muntzer," 1524

Moreover, the gospel and its adherents are not to be protected by the sword, nor are they thus to protect themselves, which, as we learn from our brother, is thy opinion and practice. True Christian believers are sheep among wolves, sheep for the slaughter; they must be baptized in anguish and affliction, tribulation, persecution, suffering, and death; they must be tried with fire, and must reach the fatherland of eternal rest, not by killing their bodily, but by mortifying their spiritual, enemies. Neither do they use worldly sword or war, since all killing has ceased with them—unless, indeed, we would still be of the old law. And even there [in the Old Testament], so far as we recall, war was a misfortune after they had once conquered the Promised Land.

Michael Sattler, Schleitheim Confession, 1527

VI. We have been united as follows concerning the sword. The sword is an ordering of God outside the perfection of Christ. It punishes and kills the wicked, and guards and protects the good. In the law the sword is established over the wicked for punishment and for death, and the secular rulers are established to wield the same.

But within the perfection of Christ only the ban is used for the admonition and exclusion of the one who has sinned, without the death of the flesh, simply the warning and the command to sin no more.

Now many, who do not understand Christ's will for us, will ask: whether a Christian may or should use the sword against the wicked for protection and defense of the good, or for the sake of love.

The answer is unanimously revealed: Christ teaches and commands us to learn from him, for he is meek and lowly of heart and thus we shall find rest for our souls. Now Christ says to the woman who was taken in adultery, not that she should be stoned according to the law of his Father (and yet he says, "what the Father commanded me, that I do") but with mercy and forgiveness and the warning to sin no more, says: "Go, sin no more." Exactly thus should we also proceed, according to the rule of the ban.

Second, is asked concerning the sword: whether a Christian shall pass sentence in disputes and strife about worldly matters, such as the unbelievers have with one another. The answer: Christ did not wish to decide or pass judgment between brother and brother concerning inheritance, but refused to do so. So should we also do.

Third, is asked concerning the sword: whether the Christian should be a magistrate if he is chosen thereto. This is answered thus: Christ was to be made king, but he fled and did not discern the ordinance of his Father. Thus we should also do as he did and follow after him, and we shall not walk in darkness. For he Himself says: "Whoever would come after me, let him deny himself and take up his cross and follow me. He himself further forbids the violence of the sword when he says: "The princes of this world lord it over them, etc., but among you it shall not be so." Further Paul says, "Whom God has foreknown, the same he has also predestined to be conformed to the image of his Son," etc. Peter also says: "Christ has suffered (not ruled) and has left us an example, that you should follow after in his steps."

Lastly one can see in the following points that it does not befit a Christian to be a magistrate: the rule of the government is according to the flesh, that of the Christians according to the Spirit. Their houses and dwelling remain in this world, that of the Christians is in heaven. Their citizenship is in this world, that of the Christians is in heaven. The weapons of the Christians are spiritual, against the fortification of the devil. The worldly are armed with steel and iron, but Christians are armed with the armor of God, with truth, righteousness, peace, faith, salvation, and with the Word of God. In sum: as Christ our Head is minded, so also must be minded the members of the body of Christ through him, so that there be no division in the body, through which it would be destroyed. Since then Christ is as is written of him, so must his members also be the same, so that his body may remain whole and unified for its own advancement and upbuilding. For any kingdom which is divided within itself will be destroyed.

Peter Riedeman, "Account," 1542

CONCERNING THE MAKING OF SWORDS

Since, as has been said above, Christians should beat their swords into ploughshares and take up arms no more—still less can they make the same, for they serve for nothing else than to slay, harm and destroy men—and Christ has not come to destroy men—therefore his disciples, also, refuse to do so....

Now, since Christians must not use and practise such vengeance, neither can they make the weapons by which such vengeance and destruction may be practised by others, that they be not partakers of other men's sins. Therefore we make neither swords, spears, muskets nor any such weapons....

From *The Mennonite Church in America* by John C. Wenger: Scottdale, PA: Herald Press, 1966. Reproduced by permission of the publisher.

This statement of the Mennonite General Conference of 1961 demonstrates present continuity with the Anabaptist discipline of the past and yet reveals a more positive attitude toward witnessing to and serving the state. The General Conference represents Mennonite congregations with a membership exceeding 50,000, located in the United States, Canada, and South America.

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The Christian Witness to the State
A Statement Adopted by the Mennonite General Conference, August 25, 1961

INTRODUCTION

Reaffirmation

We, the representatives of the Mennonite Church, assembled as the Mennonite General Conference at Johnstown, Pennsylvania, August 22-25, 1961, herewith reaffirm "A Declaration of Christian Faith and Commitment with Respect to Peace, War, and Nonresistance," as adopted by this body at Goshen, Indiana, in 1951.

We believe this statement of a decade ago to be in harmony with the Anabaptist-Mennonite vision which speaks of civil government as ordained of God, and of resistance by the sword as forbidden to the disciple of Christ. It is our conviction that this declaration and this vision are a true expression of the teaching of the New Testament, the whole tenor of which is epitomized in the statement that "Christ . . . suffered for us, leaving us an example, that ye should follow his steps . . . who, when he was reviled, reviled not again; when he suffered, he threatened not" (I Peter 2:21-23).

The Obligation to Witness

At this time we would give special attention and further expression to that portion of section C-8 of the 1951 Declaration in which "we acknowledge our obligation to witness to the powers-that-be of the righteousness which God requires of all men, even in government and beyond this to continue in earnest intercession to God on their behalf."

The decade since these words were spoken has been given to search for a fuller understanding of the meaning of this obligation. What is the basis of the Christian witness to the state? What is the character of that witness? And in what manner is it to be given? In addition to its reaffirmation of our historic nonresistant faith, therefore, the present statement seeks to find helpful answers to these questions and to set forth certain positive convictions concerning the Christian obligation to witness to the state.

* * *

THE TWOFOLD CHARACTER OF THE STATE

The State as a Minister of God for Good

The Scriptural view of the state is a twofold one. On the one hand it is a minister of God for good, whose function is the maintenance of order in this present world. Its ultimate source of power is the God of history Himself. As such, the Christian owes the state respect, obedience, and cooperation, with prayers for its rulers to the end that the people of God may "lead a quiet and peaceable life in all godliness and honesty." The primary function of the state is the maintenance of a stable society enabling the church to pursue her divine ministry of reconciliation and of prophetic witness under the lordship of Christ.

Romans 13:1-7; Titus 3:1; I Peter 2:13-17.

The State as an Agent of the Powers

It is clear, on the other hand, that the state is also an institution of this present evil world, and that as such it is at times an agent of the forces arrayed against the Lord of history. For this reason the Christian cannot always submit to the demands of the state. On the contrary, he must needs on occasion be in opposition to the state, as individual rulers or their acts come under the domination of the principalities, the powers, and the spiritual hosts of wickedness who are in rebellion against the lordship of Christ.

I Corinthians 2:8; 6:1-3; 8:5; 15:24, 25; Ephesians 6:12; Revelation 13.

The Twofold Character of the Ancient State

When the Scriptures speak of the state as a minister of God, and of the world rulers of this present darkness, they do not speak of democratic as opposed to totalitarian states, even though democracy is preferable to totalitarianism. Every state, even the most evil, is in some sense a minister of God for good. And every state, even the best, is at the same time also in some sense an agent of the rebellious powers. Because of the ambiguous and conflicting workings of these powers, and of its alignment with them, the state at its best can achieve only a partial and fragmentary order in the society of this world. In the final analysis no state is committed to Christ and His lordship, not even those states who profess a support of the Christian religion.

The demonic state of Revelation 13, making war on the saints, which calls for endurance, faith, and obedience on the part of every Christian, is the same as that of Romans 13, which merits respect and submission because it is being used of God for providing a social structure in which the church can freely work, and for the achievement in history of the purpose of the state's unaccepted Lord.

The Twofold Character of the Modern State

The influence of Christendom upon modern society has been great. This is true even of the state, which is often characterized by relative toleration and even by encouragement of the Christian faith, by outstanding morality on the part of many statesmen, by programs of human welfare, and by democracy which recognizes the worth of the individual citizen. These values, however, are only relative, a given state being in a real sense, nevertheless, at times consciously or unconsciously an agent of the principalities and the powers of darkness, as well as a minister of God for good. The friendly state protecting the church today can tomorrow be the beast of the Revelation seeking to destory the church.

THE CHRISTIAN WITNESS TO THE STATE

* * *

Concern for the State

Although the church is not responsible for policies of state and ought not assume to dictate the same, Christians do have a concern for the good of the state and for the welfare of all who are affected by its policies. Therefore, they pray that the state may be wisely administered and used of God for His purposes in history. They pray for the salvation of all leaders of states and for the blessing of God upon them. Their witness to the state is motivated by the same love that motivates their prayer. Finding their frame of reference in the holiness, the righteousness, the peace, and the justice of God, they speak in their message to men of the state, concerning both the need for faith in Christ, and the obligation to follow righteousness in policies and acts.

The Example of the Apostles and the Fathers

According to the Scriptures the Apostle Paul proclaimed his faith in Jesus Christ, and the hope of the resurrection, before Roman officials; and witnessed prophetically concerning righteousness and temperance and the judgment which is to come. Menno Simons, moreover, gave witness to rulers of his time, both of repentance and of righteousness and justice, admonishing them to "take heed wisely, rightly to execute your responsible and dangerous office according to the will of God."

Christians in our day must also witness to the state. The invitation to faith, including its full meaning in true discipleship, must be extended to all men, including government officials. On the other hand, ever mindful that God abandons neither the state nor its rulers, even in their rebellion against Him, the Christian must, when the response is something less than Christian faith and discipleship hold forth the claims of Christ's lordship, even upon the sub-Christian and the pagan state.

Acts 1:8; 4:23; 24:25; 26; II Corinthians 5:17-20; Ephesians 3:8-10; I Timothy 2:1-4.

The Task for Today

No list of specific claims which we might formulate could be adequately complete or final. Even if it were such for today, the needs of tomorrow and the changing priorities of time and talent would require a continuous revision of the list. As illustrations of what is meant, however, we would mention the following as particularly significant for the day in which we live and worthy of being undertaken to the extent that priorities permit.

1. Statesmen must continually be challenged to seek the highest meanings of such values and concepts as justice, equality, freedom, and peace.

2. Even though they may reject the highest good in favor of relative and lesser values, statesmen must nevertheless be challenged to find the highest possible values within their own relative frames of reference. In so doing, the Christian may and can rightfully speak to decisions which the Christian ethic will not permit him to assist in carrying out.

3. The evils of war, particularly in this nuclear age, must ever be pressed upon the consciences of statesmen. Our previous declarations to this end need continually to be renewed.

4. Social attitudes, conditions, and practices out of harmony with the righteousness of God, and which contribute to injustice, to sufferng, to weakening of mind, of body, and of character, or to the growth of crime, need ever to be witnessed against. Likewise, Christians may avail themselves of opportunities to suggest positive ways in which the state can assist in meeting social needs, as well as to warn of limits to its rightful sphere of action.

5. The church's primary task is to be the church. This itself has implications for the state. In the course of her own work, the church creates institutions, procedural patterns, and value judgments which the state can and does imitate to a degree. In emphasizing the importance of the church, Christians may rightly regard the creation of these precedents as a significant contribution of the church to the state and to the welfare of the world which is served by the state.

The Means of the Witness

The witness herein described may be carried on by word of mouth; through oral or written conversation with officials of state, whether national or local; by means of the printed page; through works of mercy, such as feeding the hungry and clothing the naked; by a ministry of reconciliation in areas of tension, whether these be racial or social tensions in our own land, or colonial, nationalistic, or political tensions abroad; or by other means consistent with New Testament teaching and the historic Anabaptist-Mennonite vision.

Deeply conscious of the inadequacy of our own past efforts, and confessing our failure to give witness in the measure of our obligation, we nevertheless have faith to believe that Christian missions and Voluntary Service at home and abroad, and other similar ministries, have been used of God for such a witness; and that through them the church has functioned as a challenge to the conscience of the state, inspiring it to useful service of its own as a minister of God for good.

Reading 26: A Young Mennonite Questions Registration for the Draft

From Chris Simmons, "Registration: An Open Question," the Harrisonburg, Virginia *Daily News-Record*, July 19, 1980. Reprinted by permission.

Phil Blosser, a student at Eastern Mennonite College, reflects on his religious opposition to registration for the military draft—and the severe consequences of resisting this federal law.

"Registration: An Open Question"

Phil Blosser, a 20-year-old Rockingham County college student, has a big decision to make this weekend.

Like 4 million young men across the country, he is being ordered by the federal government to register for the draft.

A court decision Friday threw into doubt whether registration will start as planned next week.

But if it does, men born in 1960 and 1961 will have to troop to a post office beginning Monday and fill out a simple seven-question form intended to speed up induction if the draft is ever resumed.

Blosser, who was born in March 1960, is supposed to register on the first day.

If he fails to do so, he can be thrown into jail, fined ten thousand dollars—or both.

If he does register, as the Selective Service System expects the "great majority" of young American men will do, Blosser's problems could well be over because registration does not include classification.

Even if the draft is reinstated, Blosser has compiled a long, written record of his feelings and appears to meet the government's definition of a conscientious objector.

Still, the Eastern Mennonite College Bible major is undecided on whether to register. He has been wrestling with the problem for weeks.

Blosser's background explains much about his attitude toward the military.

He grew up in a religious home on a dairy farm near Dale Enterprise. His father, Glendon, is a bishop in the pacifist Mennonite Church.

Although young Blosser attended public elementary and intermediate schools, he graduated from Eastern Mennonite High School.

"All through my life, I've received teaching and seen how my family acted. So I grew up with an understanding of peace and nonviolence," Blosser said in an interview this week.

He wrote his first "peace stance" as a high school junior and has twice updated it.

In short, Blosser's position is that he cannot support the military because the New Testament says hate and killing are wrong. In addition, he believes love is the key note of life.

Registration may seem like a mild, morally neutral step to many people. But to Blosser, for whom even voting is an act which implies support for the military, it is much more complex than that.

"If registration is followed by the draft, then I have to ask myself, 'Is registration the first step in a continuum of military?'" Blosser said. "And can I be involved in the first step of something I don't agree with?"

But even if the draft is not reinstated, Blosser has questions about registration.

He points to newspaper articles which report that registration is designed to show American resolve after the Soviet Union's invasion of Afghanistan. "Is that some sort of military tactic?" he asked.

Blosser also worries that by filling out the registration form–which asks for nothing more private than Social Security numbers–he may be adding his name to a "hate pledge."

He wonders whether the whole process is a propaganda ploy by the United States to prove it has the manpower to fight, without first taking exemptions into account.

"Maybe it's being used as a military tactic," Blosser repeated. "If it is, can I be involved in it? Can I let myself be used as a military tactic? I don't know. And that's the reason I'm still undecided . . .

"I have to say, 'God, I don't know what to do.' . . . So I've said, 'God, I want you to tell me.'"

Blosser noted that not all Mennonites feel so strongly about registration, and admitted that he may be over-reacting.

In fact, he said some members of his own Zion Hill congregation will chide him for being too radical if he defies the government Monday.

Blosser stressed that he is willing to accept punishment. If he does not register, he said he will write the authorities to explain why and to tell them where he is.

He also plans to seek alternative civilian service at that point. Blosser said he wants to serve his country–but only in a peaceful role.

There are no provisions for conscientious objectors on the registration form. That status would be determined only if the Selective Service System again classifies registrants.

Still, the Selective Service System suggests those who feel strongly about the matter simply write "CO" on the form. But it also notes that "it will have no effect one way or another."

A mostly Mennonite group called Christians for Peace plans to have an information booth in front of the Harrisonburg Post Office if registration begins Monday. Also planned are speeches, street theater and talks with men intending to register.

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Reading 27: A Baptist's View of Church and State

From *Church and State in Britain Since 1820* by David Nicholls. London: Routledge and Kegan Paul, 1967. Reproduced by permission of the publisher.

John Clifford (1836-1923) was an influential Baptist minister and writer. He served as a president of the Baptist World Alliance. The following is taken from a speech which was published as *The State, the Church, and the Congregation*.

* * *

From "The State, The Church and The Congregation"

We are Christians, disciples and subjects of the Lord Jesus Christ, and our duty, first and last, is to 'Hear Him', to trust His revelations, to accept His ideals, to obey Him in all that He says, and follow Him whithersoever He leads.

It is from that point we start in demanding that the Society He creates, and of which He is the supreme Ruler, shall be free in all its internal activities from the control of Princes and Parliaments, and from the interference of civic and political organizations of every kind.

We ask for the protection of the buildings Christian Churches legally own and hold as citizens, in the same way as guilds of merchants ask for their property to be placed under the aegis of the State; and we demand freedom in the use of such buildings for religious purposes just as they do for commercial. We do not accept any money or property from the State, and we repudiate all the claims of the State to nominate, or dictate, or revise the choice of officers; to arrange the order of public worship; to frame the substance of religious beliefs; to direct the processes of discipline, or to intervene in any department of the spiritual life and interior activity of the Church.

As our Master has taught us, 'Caesar' has his rights, and we gladly concede them. 'The powers that be are ordained of God.' The political State is, in our judgement, a divine creation; but the same authority tells us: 'God' also has His rights; that there are 'things' that belong to Him, to Him exclusively; and therefore, if there be any collusion between the 'power' that ordains and the power that is 'ordained,' *i.e.* between the claims of God and of the State, then we, as the subjects of Jesus Christ, have no choice but to elect obedience to the 'power that ordains,' and to accept and endure all the consequences of our conscientious decision.

Our position today was stated by the Baptists as far back as the second decade of the seventeenth century in the words of John Smyth, concerning the magistrate. He says: 'This office of the worldly authority the Lord Jesus hath not ordained in His spiritual kingdom, the Church of the New Testament, nor adjoined to the offices of His Church.'

Further, in the Confession of Faith of 1614 it is declared 'that the magistrate, by virtue of his office, is not to meddle with religion or matters of conscience, nor to compel men to this or that form of religion or doctrine, but to leave the Christian religion to the free conscience of everyone, and to meddle only with political matters (Rom. xii. 3, 4), namely, injustice and wrong of one against another, so as murder, adultery, theft and the like; because Christ alone is the King and Lawgiver of the Church and the conscience' (Jas. iv. 12).

That is the rock on which we stand, '*Christ alone is the King and Lawgiver of the Church and Conscience*.' . . .

This, then, let it never be forgotten, is our primary motive in demanding that the State shall not invade the inner life of the Churches of Christ or usurp any of their functions; that the Churches shall not claim any of the prerogatives or wield any of the powers of the State; and that the State shall be entirely neutral and impartial towards all the Churches and congregations of believing men. It is for the sake of the King, and in His name we demand this separation of province and function in State and Church. 'Where the Spirit of the Lord Jesus is there is liberty'; and there must be liberty in order to secure the unfettered sway of the ideas and ideals, the revelation and Spirit of the Lord Jesus. This is the banner under which we march, and this is the aim by which we are ruled. . . .

Now, it cannot be denied that freedom of spiritual action has not been, and never can be, complete where the State relates itself specially, as patron and director, to any *one* church out of several churches or to *all* churches alike. The State will impose conditions. It will usurp ecclesiastical functions. Consciences will not be free. It may offer 'toleration,' but 'toleration' of spiritual and religious action is based on a false theory of government, in fact, on the principle that the magistrate has power over the consciences of man, that he is an authority in the Church of God, and may impose his views, but is kind enough not to do it in a violently persecuting fashion; as though the government of a people could be built up on the foundation of personal kindliness rather than on the immovable granite of universal justice. Such 'toleration' Oliver Wendell Holmes describes as an 'insult to mankind.' It implies an inherent authority in the State which does not exist. Man has a perfect right to full spiritual freedom, and he must have it secured to him as one condition of his highest development as an individual and as a race; and therefore the State must not be allowed to discharge any ecclesiastical functions. . . .

1. Everywhere we are confronted by the emergence of the people in the realms of power and authority, and the doctrine of their sovereignty and responsibility for their own affairs. . . . The State embraces the entire citizenhood and must act for the whole of the people with impartial justice and absolute fairness. It must not favour classes or sections. It is the organ of all and exists and acts for all, religious and non-religious, ecclesiastic and non-ecclesiastic. Churches are fragments and only fragments of the commonwealth. They are not and cannot be really national. They are sectional and sectarian, and therefore the State must be severely neutral towards them, never inflicting any injustice and never granting any exceptional favours. . . .

2. The State representing all considers the conditions and needs of all; of the poor and infirm, of the cripple in body and feeble in mind, of the blind and dumb, the hungry and the sick, of the aged peasant and the orphaned or neglected child. It rescues the perishing and cares for the dying, saves the criminal to society, and is not content with punishing him; economizes the citizen's resources, and adds to his pleasures, protects him against fraud, and reduces his temptations to evil, pensions the old villager as well as the noble lord, and trains the young citizen for the discharge of his duties to the State and the world. . . .

3. It is the State seeking moral ends as the family does in the home, and as the church does within its own boundaries, and so taking its place amongst the genuinely religious agencies and forces of the land, whilst being in no sense whatever ecclesiastical. Thus the State is itself truly religious in a broad, non-dogmatic, non-credal, and non-ecclesiastical sense; thereby rendering the charge that 'Disestablishment' would make us 'a nation of atheists' or issue in the non-recognition of religion, as foolish as it is false, and as absurd as it is entirely irrelevant. . . .

5. The chief functions of the ideal State are five: (a) It should give liberty for the full utterance and development of the personality of every sane citizen of the commonwealth; (b) secure justice between man and man, and between all organizations of men within the State, so that there shall be fair play for each, and not the slightest shade of favourtism for any man as against another, or for any organization as against another; (c) it should educate and drill every child of his commonwealth for *citizenship*, so that the life of the State may be continued in health and prosperity, and the future well-being of the State secured; (d) it should neutralize and as far as may be destroy, everything that makes for strife and division in the common-

wealth, and seek to unify the life of the citizens; and (e) it will show mercy to the poor and needy.

But it is found that a State Church system is so far from the ideal that it strikes a fatal blow at liberty; gives privileges to some citizens at the expense of others; makes 'favourites, and, therefore, creates victims'; gives emoluments to one denomination, or more, which are taken from the whole of the citizens; makes the education of the child an instrument for ecclesiastical aggrandisement; fosters division and strife amongst those who ought to be the foremost advocates of unity and peace; cripples social effectiveness; and mars the social ministry of the State. All this is compelling men to believe with Gambetta, that 'Clericalism is the enemy' of the State, and that, therefore, every patriot must lock and bolt the doors of municipal and political government against it in any and every form.

Questions for Discussion

1. Do you believe that the churches in the Anabaptist tradition are correct in sharply separating themselves from the world and the state? Is there biblical warrant for their position?

2. How would you distinguish the Anabaptist view of the two kingdoms (church and state) from that of Luther? Or Thomas Aquinas (see Chapter Four)?

3. Do you believe the state should be viewed more positively on biblical-theological grounds, or not?

4. What possible dangers, if any, do you see in the religious refusal to serve the civil government, e.g., office holding?

5. In what ways, according to more recent Mennonite statements (1961), can the believer relate to and witness to the state?

6. In view of the destructive powers possessed by states in our nuclear age, are not the churches in the Anabaptist tradition correct in rejecting armaments and armament building on religious grounds?

7. What kinds of objections does John Clifford (see Reading 27) raise against the state establishment of religion and for separation of church and state?

Suggestions for Further Reading

On the "Free" Church tradition in general:

Durnbaugh, Donald. *The Believers' Church: The History and Character of Radical Protestanism*. New York: Macmillan, 1968.

On the Radical Reformation and the Anabaptist Tradition:

Littell, Franklin H. *The Origins of Sectarian Protestantism: A Study of The Anabaptist View of The Church*. New York: Macmillan, 1964.

Sanders, Thomas G. *Protestant Concepts of Church and State: Historical Backgrounds and Approaches for the Future*. New York: Holt, Rinehart and Winston, 1964. Chapter II.

Williams, George H. *The Radical Reformation*. Philadelphia: Westminister Press, 1962. This is a vast, detailed study of all the radical sects of the Reformation period.

On the English Separatist Tradition:

Davies, Horton. *The English Free Churches*, London: Oxford University Press, 1952. A useful brief account from the Puritans to the 20th century.

Woodhouse, Arthur Sutherland Pinott, ed. *Puritanism and Liberty, Being the Army Debates (1647-49) from the Clarke Manuscripts.* London: J.M. Dent, 1938.

Haller, William. *Liberty and Reformation in the Puritan Revolution.* New York: Columbia University Press, 1955.

These two more advanced studies are valuable sources on the Puritan origins of separatism and religious liberty.

Chapter Eight

Separationism: Examples From Some Modern Secular States

Is separation a weapon of the secular state used to restrict the freedom of religion?

In the preceding section we surveyed some of the religious traditions which have favored disestablishment and the separation of church and state. Their principal argument, we have seen, is that separation alone guarantees that the church can, with perfect liberty, conduct its own affairs without or, at the least, with minimal state interference. It is the church demanding the liberty to be itself.

In this section we look at the other side of separationism, namely, the motives of the modern secular state which have compelled it to disestablish the church and even to legally restrict its influence. The reasons often have been legitimate: to insure a more neutral and equitable treatment of all religions in a pluralistic society; to guarantee all citizens the free exercize of religion; to free the state from a presumptuous and, perhaps, unwarranted influence of the church. There have, however, been less reputable motives at work, especially in Europe in this century. The unmerited privileges and the often excessive powers of the older, established churches have, in the past two centuries, launched revengeful anticlerical movements in traditionally Catholic and Orthodox nations, such as France, Italy, and Russia. Of course, a major source of the increasingly embittered anticlerical opposition to the church's power was the intransigent opposition of the Vatican and most of the Catholic hierarchy toward the institution of democratic forms of government and their support of monarchy in the 19th century. But in nations such as France and Russia, the hatred of "clericalism" often meant that calls for separation were thinly disguised demands for dealing a death blow to the churches themselves and, as we shall see, in Russia and the Eastern bloc countries, the institution of measures which have abolished or have severely limited religious liberty.

France

France will serve as our first, and more benign, example. Anti-clericalism has been a political factor to be reckoned with in France since the time of the French Revolution (1789). By the middle of the 19th century the virulence of the anti-clericals provoked the Catholic layman, Lamartine, to remark: "Strange! For fifty years we have been giving liberty to every one, God excepted." The secularists were especially suspicious of Catholic clerical influence in the schools, and much of the agitation for anti-church legislation focused on removing those in religious orders as teachers and eliminating religious instruction itself from the public schools. (See Chapter Nine for a different outcome in France.) In the last years of the 19th century, fear of the "clerical peril" occasioned a full-scale *Kulturkampf* or cultural struggle between the increasingly secular French government and the Catholic Church. On July 7, 1904 the government abolished instruction in the schools by all religious orders. This was followed, on December 9, 1905, by the Law of Separation of Church and State—a law which became a model for church separation in other countries (see Reading 28). The first section of the code explicitly rejects the idea of an established church, guarantees complete liberty of conscience, and forbids the state to give financial support to any religious group. Sections two and three detail the ways in which the withdrawal of state financial aid is to be handled. Church buildings are now the property of the state. The maintenance of these churches and other religious institutions, however, is placed in the hands of *associations cultuelles,* made up of laymen. Rules for the associations are contained in section four. Churches which do not come under the supervision of an association are transferred to communal agencies for secular, charitable uses. The state ceases paying the salaries of the clergy, although the pension rights of the clergy are safeguarded.

The religious associations are required to make an annual report to the state before the conduct of religious ceremonies are approved. The law forbids the holding of political meetings in places of public worship, and clerics are ineligible for election to municipal councils. Finally, religious instruction is debarred from the public schools.

On February 11, 1906, in his encyclical *Vehementer nos*, Pope Pius X published his expected condemnation of the French Law of Separation. The Pope's action intensified the conflict, and violence and revolt broke out against the application of the Law. The essential vice, in the eyes of the Catholic Church, was placing the administration of the Church in the hands of lay associations or, as the bishops complained, "to create and to impose upon the Catholic Church a purely lay institution." Furthermore, the state had unilaterally broken a Concordat with the Holy See and had confiscated the Church's property and lands. What was spoken of as a "law of separation" was, in the eyes of the Catholic Church, an "Erastian" take-over by the state of the administration of the Church. On August 10, 1906, the Pope issued a second encyclical *Gravissimo,* decreeing

> . . . that the *associations cultuelles,* as the law imposes them, can under no circumstances be formed without violation of the sacred rights that are indispensable to the very existence of the Church.

Due to Catholic opposition, the French Government soon began to amend or to "look the other way" while appearing to enforce the law. Insistence on the "annual declaration" was abandoned, as were the legally prescribed inventories of Church properties. The Minister of Cults soon published a circular saying that local church groups which did not form an *association cultuelle* were not to be deprived of their right to practice their religion. Finally, the state actually left to the disposal of the local congregation and clergy the use of the church building where no association existed.

Despite these early accommodations and a growing rapproachement between the Church and the French Government after World War I, the Catholic Church nevertheless suffered great losses as a result of separation. Cutting off state financial support of the Church impoverished many parish churches where private giving could not meet normal expenses. The priest was banished from the school and excluded from civic duties. He thereby lost local standing and leadership. The Church was no longer a central institution in the civic life and affairs of the French nation. The Law of Separation, it is widely conceded, increased the speed of de-Christianization in France. The decline in church attendance continued apace. The number of ordinands fell sharply. In Limoges the number of births without baptism rose from 2.5% to 33.9% and civil marriages from 14% to 59.8% between 1899 and 1915. The impact of separation was devastating in many ways, but it was not without its "silver lining," as is clear from this summary of an observer:

> The first and typical law of separation of a modern State secularized the Church as a social organism and placed it on the same legal basis as any other secular society. Suppressing the budget of cults, the State limited the wealth, power and political influence of the Catholic Church especially, but gave her back her spiritual independence and stimulated her by impoverishment to make a new religious effort in a spirit of sacrifice and self-surrender.[1]

In a secular but liberal-democratic nation such as France, the loss of the Church's privilege and power was met, even within the Church, with mixed responses. Many saw the loss of position in the civic life of the nation, and especially in education, as irreparable. But the freedom gained by the Church following separation contributed to the renewal and reform of French Catholicism. The French nation, however, remains divided even today, and anti-clerical efforts to legally restrict the Church's influence continues, though diminished. The same is not true in the Soviet Union, nor in several of the Eastern European countries where separation of church and state in a totalitarian setting has meant state proscription and suppression of religious life.

The Soviet Union

For most of this century—since the Russian Revolution of 1917—the churches and the synagogues in the Soviet Union have suffered under totalitarian threat and hostility. The same has been true in many of the Eastern European countries since the end of World War II when they came under Soviet influence. These states are dominated by the monolithic rule of the Communist Party, which is, of course, guided by the ideological doctrines of Marxist-Leninism. In theory a distinction is made between the Soviet State and the Communist Party, but in practice the former is thoroughly shaped by the ideology of the latter.

Central to the teachings of Marxist-Leninism is the belief that religion is an illusory happiness which serves as a false rationalization for the failure to achieve real happiness and justice here on earth. Marx wrote:

> To abolish religion as the illusory happiness of the people is to demand their real happiness. The demand to give up illusions about the existing state of affairs is the demand to give up a state of affairs that needs illusions. . . . Religion is the sigh of the oppressed creature. . . . It is the opium of the people.[2]

Lenin essentially agreed with Marx that religion is the symptom of social and economic exploitation, but he also saw it as a positive cause of these evils. Lenin believed that religion is used by the ruling class as a weapon in its exploitation of the poor. He was not entirely wrong in believing this to be the case in pre-revolutionary Russia. "Religion," wrote Lenin,

> is one of the forms of spiritual oppression which everywhere weighs down heavily upon the masses of the people. . . . Those who toil and live in want all their lives are taught by religion to be submissive and patient while here on earth, and to take comfort in the hope of a heavenly reward.[3]

When Lenin assumed power in Russia in 1917, his position regarding religion was to guide state policy against an openly hostile Russian Orthodox Church. As early as October, 1917 the new government turned over the property of churches and monasteries to the communes and provincial soviets. On January 23, 1918 a decree was published and signed by Lenin which separated the church and state. The decree also asserted that the teaching of religion was to be prohibited in all state and private educational institutions, and that all property belonging to the churches was to become public property. Lenin sought to make a distinction between state policy regarding religion and that of the Communist Party. Hence the decree rejected any regulations that would restrain individual freedom of conscience and asserted that "each citizen may confess any religion or no religion at all." In theory the state was to remain neutral. However, when all opposition political parties were destroyed, it was impossible to distinguish the Party, which was militantly anti-religious, and the policies of the Russian State.

In 1919 the Party adopted the following program:

> The Communist Party of the Soviet Union is convinced that only a conscious and determined planning of the total social and economic activities of the masses will bring about the end of religious superstition. The Party is fighting for the complete abolition of all connections between the exploiting classes and the organization of religious propaganda and wants to facilitate the liberation of the working masses from religious superstition.[4]

A religious persecution was now underway. Penal law was directed not at a neutral protection of religious freedom but at limiting and repressing religious practice. Religious activity was identified with anti-government, anti-revolutionary efforts. Loyalty to the new state was required and coerced. Numerous punishments were decreed for the crime of using the "religious prejudices of the masses in education with a view to overthrowing the Soviet Government." It is estimated that between 1917 and 1921 over 1,200 priests and 28 bishops of the Russian Orthodox Church were executed; hundreds of others were imprisoned or forced underground.

The next step in the campaign to restrict and thus to repress religion occurred with the publication of the Law on Religious Associations of 1929 and the Instructions of the Peoples' Commissariat of The Interior subtitled, "On The Rights and Obligations of Religious Associations" (see Reading 29). Among the Law's significant articles are the following:

> A religious society or group of believers may start its activities only after the registration of the society or group by the committee for religious matters at the proper city or district soviet.
>
> In order to register a religious society at least twenty initiators must submit to the agencies . . . an application in accordance with the form determined by the Permanent Council for Religious Affairs at the Council of Ministers.
>
> The registration agencies are entitled to remove individual members from the executive body of a religious society or the representatives elected by a group of believers.
>
> Religious associations may not organize for children, young people and women special prayer or other meetings, circles, groups, departments for biblical or literary study, sewing, working or the teaching of religion, etc.
>
> The activities of the clergymen, preachers, precepters and the like shall be restricted to the area in which they . . . reside.[5]

It is obvious that the power invested in the state "registration agencies" and Councils completely negated the 1918 decree guaranteeing the separation of church and state, for through these agencies the state was intruding itself into the affairs of the church in critical ways–to the point of essential control. The Law of 1929 has remained basically in effect to the present day.

The implementation of the Law has, however, varied. It was ruthlessly enforced between 1929 and 1941, but during the war years and until 1959 the provisions of the Law were relaxed, even disregarded. This was largely due to Stalin's need to unify the nation during the war and the immediate post-war period. However, in 1959 Nikita Kruschchev reasserted and even extended the anti-religious policies of the 1929-41 period. For example, young people under the age of eighteen were legally forbidden to be members of or to participate in religious organizations and services. Some relaxation has occurred since Kruschchev's downfall in 1964, but many sanctions have remained unchanged.

In addition to legal constraints restricting the practice of religion, the Soviet Government has, since the 1920s, undertaken a series of propaganda campaigns against religion and in support of "scientific atheism." The League of Militant Atheists was formed in 1925; by 1935 there were 50,000 local groups and five million members. Young people were enrolled in Groups of Godless Youth. A number of anti-religious museums were opened in former churches. Chairs of Atheism were established in Russian universities, and an extensive publication program devoted to "scientific atheism" has, in recent years, been given increased government support.

Since 1954 atheistic education in the schools has received special attention, the result of a resolution of the Party's Central Committee (see Reading 30). The schools were required both to increase and to improve their programs of anti-religious instruction and great resources were expended on new textbooks and teaching materials for this purpose. The understanding of religion and the methods recommended for attacking it often appear to the educated Westerner to remain crude in the extreme (see Reading 31). In 1959 a new elective course, entitled "Fundamentals of Scientific Atheism," was introduced into institutions of higher education and in 1964 it was made a compulsory requirement for all university students.

During the 1960s the Communist Party also introduced a series of new secular national holidays, some specifically scheduled to conflict with traditional religious holy days. At present there are six state holidays, several marking great events in the history of the Revolution. There are also secular ceremonies which highlight significant personal rites of passage and are meant to take the place of religious baptism, christening and bar mitzvahs, marriage, and funerals. Special civic buildings are set aside and secular symbols used on these occasions.

The comprehensive campaign of religious repression by the state has not gone uncontested. It has had to face the courageous dissent of many Orthodox churchmen and increasing resistance from the evangelical sects, especially the Baptists. Protest and dissent often have been occasioned by the willingness of church leaders to acquiesce in state actions restricting the freedom of the church. A few examples can be cited.

In 1961, a Synod of Orthodox bishops assented to the state's demand that parish priests be forbidden to serve on local parish councils. This had a potentially disastrous effect, since the parish councils were now open to hostile members who, in fact, worked to impede the efforts of the priests and even to secure the closing of parishes. Between 1960 and 1964 up to 10,000 churches were closed, many on the initiative of the secularized parish councils themselves.

A delegation of eight bishops, headed by Archbishop Yermogen, presented the Orthodox Patriarch Alexii with a declaration protesting the Synod's actions. The Patriarch, in turn, dismissed Yermogen from his diocese and into forced retirement. Two Moscow priests–Fathers Nikolai Eshliman and Gleb Yakunin–wrote an open letter to Patriarch Alexii, protesting both the Kruschchev campaign of religious repression and the Patriarch's submissiveness. Alexii charged them with violating the peace of the church and suspended them from the priesthood. In his eloquent "Lenten Letter" to Patriarch Alexii's successor, Pimen, the Nobel Prize-winning author Alexander Solzhenitzen refers to the case of Eshliman and Yakunin in his moving accusation against the church's subservience and her loss of freedom (see Reading 32).

Many believers share Solzhenitzen's indictment against those in the Orthodox hierarchy who have cooperated with the Russian State. But the question of the relation of the church to a hostile government should be pondered more carefully. What if Patriarchs, such as Sergii and Alexii, had refused to cooperate with the state and had pursued a policy of direct confrontation? What would the status of the church in Russia be today? Might it be entirely destroyed? As one observer has remarked:

> Pious ideas about martyrdom should not be allowed to conceal the disastrous element in the destruction of Christian institutions. . . . Their decisions to bend to secular authority were certainly not easy ones, for they were likely to be faced . . . with the accusations and scorn of those within the Church who believed them to have betrayed the Gospel. Yet the result of their anguish is now to be seen in the existence in the Soviet Union of a Church which, though shackled and handicapped in many ways, is still alive and unswervingly Orthodox.[6]

A courageous dissenter and defender of civil rights, the Orthodox priest Sergi Zheludkov essentially takes this position. It is reflected in his reply to Solzhenitzen's reproach (see Reading 33). One of the most articulate and influential spokesmen for Orthodox dissent, especially against the Krushchev oppression, is Anatoli Levitin, who writes under the pseudonym A. Krasnov. On May 8, 1971, Levitin-Krasnov was imprisoned on charges of "slandering" the Soviet system and "inciting servants of the Church to violate the law of separation of the Church from the State."

In recent years the most active resistance against religious repression in the U.S.S.R. has come from the Evangelical Christian Baptists (E.C.B.). The E.C.B. arose as a protest movement against the Baptist All-Union Council which, like the Orthodox Bishops Synod of 1961, surrendered important religious liberties to the government. The E.C.B. dissidents have boldly challenged the leadership of both the Krushchev and Brezhnev governments to return to the original 1918 constitutional guarantees of separation of the church from the state (see Reading 34).

The Baptist dissenters have, however, not only called for legal redress but have deliberately violated certain legislation. The authorities have retaliated by increasing repressive measures. These, in turn, have attracted new, young converts to the cause of religious dissent and have produced a profusion of underground protest literature. In the opinion of one seasonal observer, the efforts of these heroic Baptists

> may have triggered off an urge for reform which will sweep through all the Christian churches of the Soviet Union. If this should happen . . . Christianity may yet prove itself to be one of the most dynamic forces in the future evolution of Soviet society.[7]

Poland and Albania

Space doesn't permit a discussion of church-state relations in other Soviet-bloc nations of Eastern Europe. However, the particularly interesting situations in Poland and Albania can be observed briefly. Here is how Trevor Beeson opens his account of religion in Communist Poland:

> There were—to Western eyes at least—some strange pictures on television screens and in the newspapers during August 1980. The striking shipyard workers in the Polish port of Gdansk were shown kneeling in corporate prayer. Other photographers showed priests moving among the crowds of workers, hearing confessions and distributing Holy Communion. The strikers were concerned mainly with the right to establish their own, independent trade unions and with the problem of Poland's ailing economy, but also on their 'shopping list' was a demand that Mass should be broadcast every Sunday on radio and television.[8]

This is a unique scene, but especially so in an East European country where the Communist regime is powerfully entrenched. Paradoxically, Poland is a Communist country with a population 90% Roman Catholic (32.5 million members.) About 95% of the Polish children today are baptized Roman Catholics. Some 15,000 churches are open and in active use. The Catholic Church is, in fact, stronger today in Poland than it has been in a long time, as the following figures corroborate:[9]

	1937	**1980**
Number of dioceses	20	27
Number of parishes	5,170	7,240
Number of priests	11,239	20,234
Number of churches and chapels	7,257	14,000

Like most other constitutions of the East European countries in the Soviet sphere, Poland's speaks of the right of the churches to "exercise their religious freedom." In Poland this has, in fact, been fairly true, at least for some periods during the last forty years. The rule of the Communist-dominated government immediately following World War II was one of relative toleration, but an all-out attack on the Catholic Church was launched between 1948 and 1956. The Church's lands were nationalized, and certain privileges removed. However, the Church remained free to conduct worship and pastoral work, to publish, to maintain chaplaincies, and even to give religious instruction in the schools. In 1952 a new constitution declared the separation of church and state and the government became more aggressive in approving appointments to new bishoprics. In September of 1953, the Polish Primate, Cardinal Wyszynski, opposed the state's nominations of bishops and was arrested and put under "house arrest" for three years. He became the symbol of heroic resistance to the repression of the Church. Soon other bishops and 900 priests were arrested; the number of seminaries was severely reduced and theological faculties at universities were closed; church publications were heavily censored, and religious teaching in the schools was forbidden. By 1955 about 2,000 Catholic priests and laymen were in prison.

In 1956, under the new Secretary of the Party, Wladyslaw Gomulka, the restrictions and imprisonments ended and relations of the pre-1948 period were briefly restored. Soon, however, the government returned to a policy of tough repression, primarily directed, as in Russia, to restricting religious activity to the church buildings themselves. Religious instruction in the schools was stopped for good. A new period of "normalization" began, however, when Edward Gierek came to power as First Secretary late in 1970. The issues of religious education and public expression of religious life have nevertheless remained matters of bitter contention.

The election of Cardinal Karol Wojtyla of Krakow as Pope (John Paul II) and the declining economic situation in Poland has aggravated tensions between church and state in recent years. The shipyard workers' strike at Gdansk in 1980, led by Lech Walesa, included demands not only for greater civic freedom but that the Church be given access to the mass media. The growing demands of the Solidarity union and the mounting social and economic unrest deepened Russian concern, led to the appointment of General Wojicieck Jaruzelski as First Secretary, and finally to the imposition of martial law. The government crackdown has, as might be expected, only hardened the resolve of the Catholic populace to resist further repression of religious expression. In early March of 1984, the latest conflict erupted over the government's insistence that crucifixes be removed from all state-run schools (see Reading 35). In Poland the Catholic Church remains the chief threat to Communist ideology and to Russian influence over Polish affairs. The relations between church and state are, therefore, likely to remain tense and explosive.

The situation in Albania presents a very different picture. The Albanian population is largely of Moslem heritage; only about 20% were Orthodox and 10% Roman Catholic, according to the last religious census taken before World War II. Prior to the Communist take-over in 1944, the religions largely enjoyed independence from state interference. Since then the Albanian Communist Party and the government have intensified efforts to entirely eliminate religion from the country. In 1967 this campaign reached its zenith when within a few months all religious buildings—including 2,169 churches, mosques, and monasteries—were closed. The authorities exulted that now the "last and most parasitical form of exploitation" had been destroyed and Enver Hoxha, the Party's First Secretary, claimed that it was the "decisive victory" in the campaign for "complete emancipation of the Albanians from religious beliefs."

In the same year, 1967, an official proclamation from the capitol, Tirana, declared that Albania was "the first atheist state in the world." All public expressions of religious belief were declared illegal. An enormous anti-religious ideological propaganda effort was initiated. At public meetings the clergy and lay believers were denounced as unpatriotic and reviled as superstitious. By 1971 only fourteen Catholic priests remained in the country and twelve of them were in prison. By 1975 most of the Orthodox priests were under arrest. There is little information on the whereabouts of the Moslem leaders.

The Albanian constitution of 1976 states the government's position:

> The State recognizes no religion and supports and develops atheist propaganda for the purpose of implanting the scientific materialist outlook in people. (Article 36)
>
> The creation of any type of organization of a fascist, anti-democratic, religious or anti-socialist character is prohibited. (Article 54)[10]

News of some clandestine religious services prompted the government, in 1979, to issue a decree that anyone involved in underground religious activity would be sent to prison camp without trial. In Albania we see an example of a state which has moved from legal separation for the purpose of **restricting** religious activity to a legal stance taken for the explicit purpose of **eliminating** religion.

Notes

[1] Adolf Keller, *Church and State on the European Continent* (London: The Epworth Press, 1936), p. 259.

[2] Karl Marx and Friederich Engels, *Collected Works*, vol. 3 (London: Lawrence & Wishart Ltd., 1975-), pp. 176, 175.

[3] Vladimir I. Lenin, *Collected Works*, vol. 10 (Moscow: Foreign Language Publishing House), pp. 83-4.

[4] Quoted in Trevor Beeson, *Discretion and Valour: Religious Conditions in Russia and Eastern Europe*, (Philadelphia: Fortress Press, 1982), p. 36.

[5] Ibid., pp. 38-39. For information on this legislation and on many factual details, I am especially dependent on Beeson's excellent survey.

[6] Ibid., p. 64.

[7] Michael Bourdeaux, *Religious Ferment in Russia: Protestant Opposition to Soviet Religious Policy*, (London: Macmillan, 1968), p. 189.

[8] For background information on Poland, I am especially dependent on Beeson, op. cit., p. 154 ff.

[9] Ibid., p. 157.

[10] Ibid., p. 322.

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Reading 28: Separation of Church and State in France

From *Church and State Through the Centuries* edited by Sidney Ehler and John B. Morrall. London: Burns & Oates, Ltd., 1954. Reproduced by permission of the publisher.

The French Law of Separation of Church and State was approved by the Parliament on December 9, 1905.This erased a century-old relationship between the church and state which had been established by Napoleon's Concordat with the Vatican in 1801. Long-standing financial and political privileges enjoyed by the Catholic Church were brought to an end.

* * *

From the Separation Law

SECTION I
PRINCIPLES

Art.1. The Republic assures liberty of conscience. It guarantees the free exercise of religious worship, but with the restrictions enacted below in the interest of public order.

Art.2. The Republic does not recognize any salary or subsidy to any religious body. As a result, starting from 1st January following the promulgation of the present law, all expenses relating to the practice of religious worship shall be struck off the budgets of the State, the "departements" and the communes. There can, however, be included in the said budgets expenses relative to charitable organizations and those for the purpose of assuring the free exercise of religious worship in public establishments, such as high schools, colleges, schools, hospitals, asylums and prisons.

Public establishments for religious worship are suppressed, with modifying conditions laid down in Art. 3.

SECTION II
ALLOCATION OF PROPERTY AND PENSIONS

Art.3. Establishments whose suppression is decreed by Art. 2 shall continue provisionally to function in conformity with the arrangements now governing them, until the allocation of their goods to the associations. After the promulgation of the present law, the agents of the administration of property shall proceed to the descriptive and assessory inventory of:

i. movable and immovable goods of the said foundations.
ii. goods of the State, the "departements" and the communes of which the same foundations have the use.

This double inventory shall be drawn up in collaboration with the legal representatives of the ecclesiastical establishment; who, in any case, shall be duly summoned by a notification made in administrative form.

The agents entrusted with the inventory shall have the right of procuring the communication of all legal instruments and documents necessary for the proceedings.

Art.4. During the period of a year dating from the promulgation of the present law, the movable and immovable goods of clergy–houses, buildings, meeting places, assembly rooms and other public religious establishments–shall be transferred, with all the duties and obligations which rest on them and with due respect for the special purposes for which they are destined, by the legal representatives of these establishments to associations which, in conformity with the rules of the general organization of the religion of which they intend to ensure the practice, shall be legally formed, according to the requirements of Art. 19, for the practice of this religion in the old delimitations of the said establishments.

* * *

Art.9. If there be no association to receive the goods of a public establishment of religious worship, these goods shall be transferred by decree to communal establishments for relief or charity, situated in the territorial limits of the ecclesiastical delimitation concerned.

* * *

Art.11. The ministers of religion who, after the promulgation of the present Law, shall be more than sixty years of age and who shall have, during at least thirty years, carried out ecclesiastical duties remunerated by the State, shall receive an annual pension and allowance equivalent to three-quarters of their salary.

Those who shall be more than forty-five years of age and who shall have, during at least twenty years, carried out ecclesiastical duties remunerated by the State, shall receive an annual pension and allowance equal to one-half of their salary.

SECTION III
BUILDINGS OF RELIGIOUS BODIES

Art.12. Buildings which have been placed at the disposal of the nation and which, by virtue of the law of Germinal 18 of the year X, are used for the public worship of religious bodies or for the accommodation of their ministers (cathedrals, churches, chapels, temples, synagogues, archiepiscopal and episcopal residences, presbyteries and seminaries), as well as the immovable and movable property annexed thereto which was attached to them at the time when the said buildings were handed over the religious bodies, are and remain properties of the State, the "departements" and the communes.

Art.13. Buildings used for the public worship of a religious body as well as the movable objects attached to them, shall be left gratis at the disposal of the public establishments of the religious body, and afterwards of the associations called into being to replace them to which the goods of these establishments shall have been assigned by application of the arrangements of Section II.

Art.14. Archiepiscopal and episcopal residences, presbyteries and their annexes, Grand Seminaries and faculties of Protestant theology, shall be left freely at the disposal of the public establishments of the religious body and afterwards of the associations mentioned in Art. 13, according to the following arrangement: archiepiscopal and episcopal residences during a period of two years; presbyteries in the communes where the minister of the religious body shall reside, Grand Seminaries and faculties of Protestant theology during five years, starting from the promulgation of the present Law.

* * *

Art.16. A detailed catalogue shall be made of buildings used for the public worship of a religious body (cathedrals, churches, chapels, temples, synagogues, archiepiscopal and episcopal residences, presbyteries, seminaries), in which catalogue should be included everything in these buildings, which possesses, in whole or in part, an artistic or historical value.

Ecclesiastical archives and libraries situated in archiepiscopal and episcopal residences, Grand Seminaries, parish churches, chapels of ease and their attached buildings shall be catalogued, and those which shall be recognized to be State property shall be restored to the State.

SECTION IV
ASSOCIATIONS FOR THE PRACTICE OF RELIGIOUS WORSHIP

Art.18. Associations formed to attend to expenses and upkeep of public worship of a religious body must be constituted in conformity with Arts. 5 and the following of Section I of the law of July 1, 1901. They shall, in addition, be subject to the requirements of the present law.

Art.19. These associations shall have as their exclusive object the worship of a religious body and shall be composed of at least:

In communes of less than 1,000 inhabitants – 7 persons;
In communes of 1,000-20,000 inhabitants – 15 persons;
In communes where the number of inhabitants is more than 20,000 – 25 persons

The associations can receive, in addition to the assessed amounts mentioned in Art. 6 of the law of July 1, 1901, the proceeds of collections and contributions for expenses of religious worship; the fees for religious ceremonies and services, even by endowment; those for the occupation of benches and chairs; and for the supplying of objects destined for use at funerals in religious buildings and for the decoration of these buildings.

They shall be free to transfer the surplus of their assets, free of tax to other associations constituted for the same purpose.

They shall not receive subsidies, in any form whatever from the State, the "departements" or the communes. Sums allocated for repairs to catalogued monuments are not considered as subsidies.

* * *

Art.21. Associations and unions shall keep a record of their receipts and expenses; they shall present each year the financial statement for the past year and the recorded inventory of their goods, movable and immovable.

Financial control is exercised over the associations and unions by the "Administration de l'enregistrement" [i.e. a public service in France for registering private legal documents; as fees are collected for this registering, the service is a part of the financial administration] and the "Inspection generale des finances" [i.e. a section of the Ministry of Finance].

Art.22. Associations and unions can use their disposable resources to set up a reserve fund sufficient to provide for the costs and upkeep of the religious body and not being allowed in any event to be directed to another purpose; the amount of this reserve shall never be allowed to exceed a sum equal to three times the annual average (in the case of unions and associations having a revenue of more than 5,000 francs) and six times the annual average (in the case of other associations) of sums spent by each of them for the expenses of the religious body during the five last financial years.

Art.23. The directors or administrators of an association or union which shall have contravened Arts. 18, 19, 20, 21 and 22 shall be punished by a fine of 16-200 francs and, in the event of repetition, by a double fine.

The tribunals can, in the event of infringement of paragraph I of Art. 22, condemn the association or union to transfer excess of the sum to communal establishments of assistance or of charity.

They can, furthermore, in all cases mentioned in paragraph I of the present Article, pronounce the dissolution of the association or of the union.

Art.24. The buildings which are intended for the worship of the religious body and which belong to the State, the departements or the communes shall continue to be exempt from ground rent and from the tax on doors and windows.

Buildings serving as the living quarters of ministers of religious bodies, as seminaries or as faculties of Protestant theology which belong to the State, the departements or the communes, and goods which are the property of associations and unions, are subject to the same taxes as those of individual persons.

SECTION V
REGULATION OF RELIGIOUS WORSHIP

Art.25. Meetings for the celebration of public worship held in the property belonging to, or put at the disposal of, a religious association are public. They are dispensed from the formalities of Art. 8 of the law of June 30, 1881, but remain placed under the supervision of the authorities in the interest of public order. They cannot take place except after a declaration made in the forms of Art. 2 of the same law and indicating the place in which they will be held.

A single declaration is sufficient for the total number of permanent meetings, periodical or occasional, which shall take place during the year.

Art.26. It is forbidden to hold political meetings in the places regularly used for the public worship of a religious body.

Art.27. The ceremonies, processions and other external demonstrations of a religious body shall continue to be regulated in conformity with Arts. 95 and 97 of the law of April 5, 1884, relating to municipalities.

The ringing of bells shall be regulated by municipal order and, in event of disagreement between the Mayor and the president or director of the religious association, by prefectorial decree.

Art.28. It is forbidden in future to raise or place any religious sign or emblem on pubic edifices or in any public place whatsoever, with the exception of buildings used by a religious body, burial-grounds in cemeteries, funeral monuments and museums or exhibitions.

Art.29. Contraventions of the preceding Articles are punished by the ordinary legal penalties.

There are liable to these penalties, in the cases of Arts. 25, 26 and 27, those who have organized the meeting or demonstration, those who have participated in it in the capacity of ministers of the religious body, and in the case of Arts. 25 and 26, those who have provided the meeting place.

Art.30. In conformity with the provisions of Art. 2 of the law of March 28, 1882, religious instruction cannot be given to children between the ages of six and thirteen years, enrolled in the public schools, except outside school hours.

The stipulations of Art. 14 of the present law shall be applied to ministers of religion who infringe these provisions.

Art.31. Those who, whether by force, acts of violence or threats against an individual, by causing him to fear the loss of his employment or by exposing to injury his person, family or fortune, shall have coerced him into practising a form of religion, becoming a member or ceasing to be a member of a religious association, to contribute or to refrain from contributing to the expenses of a religious body, are to be punished by a fine of from sixteen to 200 francs and by an imprisonment of from six days to two months, or by one of these two penalties only.

Art.32. Those who shall have hindered, delayed or interrupted the public worship of a religious body by disturbances or disorder caused in the place used for this public worship, shall be punished with the same penalties.

* * *

Art.34. Every minister of a religious body who, in the places where this religious body worships, shall have by spoken discourse, readings, writings distributed or notices exposed, publicly vilified or defamed a citizen entrusted with a public office, shall be punished with a fine of 500-3,000 francs and by an imprisonment of one month-one year, or by one of these two penalties only.

Art.35. If a sermon delivered or a writing exposed or distributed publicly in places where a religious body worships contains a direct incitement to resist the execution of the laws or the legal acts of public authority, or if it tries to raise or arm one faction among the citizens against the others, the minister of the religious body who shall have been found guilty shall be punished by an imprisonment of three months-two years, without prejudice to the penalties for complicity in the case where the incitement shall have been followed by a sedition, revolt or civil war.

* * *

Art.40. During eight years, beginning from the promulgation of the present law, the ministers of a religious body shall be ineligible for the municipal council in the communes where they shall exercise their ecclesiastical ministry.

Reading 29: Legal Status of Religion in the USSR

From *Aspects of Religion in the Soviet Union 1917-1967* edited by Richard H. Marshall. © 1971 by The University of Chicago Press. All rights reserved. Reproduced by permission of the publisher.

The following legal documents remain the basis of the Soviet Government's policy and actions toward the churches and religious groups. The Law on Religious Associations and the Instructions of the People's Commissariat of 1929 have been especially important.

* * *

1. CONSTITUTION OF THE USSR
of December 5, 1936

Article 124. In order to ensure to citizens freedom of conscience, the church in the USSR is separated from the state, and the school from the church. Freedom of religious worship and freedom of antireligious propaganda are recognized for all citizens.

Article 135. Elections of deputies are universal: all citizens of the USSR who have reached the age of eighteen, irrespective of race or nationality, sex, religion, education, domicile, social origin, property status, or past activities, have the right to vote in the election of deputies, with the exception of insane persons and persons who have been convicted by a court of law and whose sentence includes deprivation of electoral rights.

Every citizen of the USSR who has reached the age of twenty-three is eligible for election to the Supreme Soviet of the USSR, irrespective of race or nationality, sex, religion, education, domicile, social origin, property status, or past activities.

2. LEGISLATION ON RELIGIOUS CULTS

A. Decree on the Separation of Church and State of January 23, 1918

1. The Church is separate from the State.
2. It is prohibited to enact on the territory of the Republic local laws or regulations which would put any restraint upon, or limit freedom of conscience or establish any advantages or privileges on the grounds of the religion of citizens.
3. Each citizen may confess any religion or no religion at all. Loss of any rights as the result of the confession of a religion or the absence of a religion shall be revoked.

   The mention in official papers of the religion of a citizen is not allowed.
4. The actions of the Government or other organizations of public law may not be accompanied by any religious rites or ceremonies.
5. The free performance of religious rites shall be granted so long as it does not disturb the public order and infringe upon the rights of the citizens of the Soviet Republic. In such cases, the local agencies are entitled to take the necessary measures to secure public order and safety.
6. No person may evade his citizen's duties on the grounds of his religion.

   Exceptions to this provision, and only under the condition that a certain duty of a citizen shall be substituted by another, may be permitted by the decision of the people's courts.
7. Religious oaths shall be abolished.

   In cases where it is necessary only a solemn vow may be given.
8. The acts of civil status shall be kept solely by civil [status] agencies.
9. The school shall be separate from the Church.

   The teaching of religion is prohibited in all state, municipal or private educational institutions where a general education is given.

   Citizens may give and receive religious instruction privately.
10. All ecclesiastical and religious associations are subject to regulations pertaining to private societies and unions, and shall not enjoy any advantages or receive any subsidies either from the State or from local self-governing institutions.
11. The compulsory exaction of fees or impositions to benefit ecclesiastical and religious associations as well as any kind of coercion or infliction of punishment by these associations upon their members is prohibited.
12. No ecclesiastical or religious associations shall have the right to own property. Such associations shall not enjoy the rights of a legal entity.
13. All property belonging to churches and religious associations existing in Russia shall become public property.

    Buildings and objects intended especially for religious worship shall be handed over by special decision of local or central authorities, free of charge, for use by the religious associations concerned.

B. Law on Religious Associations of April 8, 1929 (as amended January 1, 1932)

1. Churches, religious groups, sects, religious movements, and other associations for any cult or any denomination come under the Decree of January 23, 1918, on the separation of the Church from the State and the School from the Church.
2. Religious associations of believers of all denominations shall be registered as religious societies or groups of believers.

   A citizen may be a member of only one religious association (society or group).
3. A religious society is a local association of not less than 20 believers who are 18 years of age or over and belong to the same cult, faith or sect, united for the common satisfaction of their religious needs. Believers who are not numerous enough to organize a religious society may form a group of believers.

   Religious societies and groups do not enjoy the rights of a legal entity.
4. A religious society or group of believers may start its activities only after the registration of the society or group by the committee for religious matters at the proper city or district (raion) soviet.
5. In order to register a religious society at least 20 initiators must submit to the agencies mentioned in the previous Article an application in accordance with the form determined by the Permanent Committee for Religious Matters at the [Council of Ministers].

* * *

10. For the satisfaction of their religious needs, the believers who have formed a religious society may receive from the district or city soviet, under a contract, free of charge, special prayer buildings and objects intended exclusively for the cult.

Besides that, the believers who have formed a religious society or group of believers may use for prayer meetings other premises left to them by private persons or local soviets on lease. Such premises shall be subject to all regulations provided for in the present Law relating to prayer buildings; the contracts for the use of such premises shall be concluded by individual believers on their personal responsibility. Such premises shall be subject to technical and sanitary regulations.

A religious society or group of believers may use only one prayer building or [complex of] premises.

* * *

14. The registration agencies are entitled to remove individual members from the executive body of a religious society or the representative elected by a group of believers.

* * *

17. Religious associations may not: (a) create mutual credit societies, cooperative or commercial undertakings, or in general, use property at their disposal for other than religious purposes; (b) give material help to their members; (c) organize for children, young people, and women special prayer or other meetings, circles, groups, departments for Biblical or literary study, sewing, working or the teaching of religion, etc., excursions, children's playgrounds, libraries, reading rooms, sanatoria, or medical care.

Only books necessary for the purpose of the cult may be kept in the prayer buildings and premises.

* * *

19. The activities of the clergymen, preachers, preceptors and the like shall be restricted to the area in which the members of the religious association reside and in the area where the prayer building or premises are situated.

The activities of clergymen, preachers and preceptors who permanently serve two or more religious associations shall be restricted to the area of residence of the believers who are members of such religious associations.

C. Instructions of the People's Commissariat of the Interior of October 1, 1929 (as amended Jauary 28, 1932)

I. PURPOSE AND COMPOSITION

1. Citizens of the same cult, denomination, sect or doctrine who are 18 years of age or over may form religious societies or groups of believers for the joint satisfaction of their religious needs.

2. Believers who have formed a religious society or group may:
a. perform religious rites;
b. arrange prayer or general meetings of believers;
c. manage religious property;
d. conclude transactions of the civil law connected with the management of religious property and the performance of religious rites;
e. appoint clergymen for the performance of religious rites.

3. The religious associations may not:
a. create mutual credit societies, poorhouses, charity schools, hospices, dormitories for the poor, funeral funds, etc;
b. establish cooperatives, producing unions, and, in general, use the property at their disposal for any other purpose other than the satisfaction of religious needs;
c. give material help to members of the association;
d. organize special prayer or other meetings for children, youth, and women;
e. organize scriptural, literary, sewing,labor or other meetings, groups, circles, sections, or such for teaching religion;
f. organize excursions and children's playgrounds;
g. organize libraries and reading rooms;
h. organize health resorts and medical care.
Religious societies and groups do not enjoy the rights of a legal entity.

4. The membership of a religious society or group of believers may include only citizens who reside:
a. in the same city;
b. in the same city and vicinity;
c. in the same village; or
d. in several villages of the same district (raion).

5. A citizen may be a member of one religious association (society or group) of believers.

Persons who belong to several religious associations may be prosecuted in accordance with [The Criminal Code].

A citizen who desires to be a member of a religious association must submit a written or oral application to the executive body of the religious society or group of believers.

Members shall be accepted by the executive body or general assembly of the religious society or group of believers.

* * *

II. FORMATION AND EXPENDITURE OF MEANS

7. Members of a religious society or group of believers may collect in the prayer building voluntary donations (by collection boxes or plates) among all persons present.

Excepting the prayer building collection, only voluntary donations may take place among the members of a given religious society or group of believers.

* * *

10. Religious associations may collect donations and spend them only for purposes connected with the maintenance of prayer buildings and religious property and for the performance of religious rites, as well as for remuneration to clergymen, watchmen and singers, the activities of executive bodies of religious societies or groups of believers, and executive bodies of religious conventions and conferences.

* * *

IV. MEETINGS AND CONVENTIONS

21. Prayer meetings, of the believers who have formed a religious society or group in prayer buildings or premises especially adapted for this purpose and considered satisfactory as to technical and sanitary conditions, may be arranged without notification to or permission of authorities.

Buildings and premises may be used after their inspection by the proper sanitary-technical committee whenever the representative of the Committee for Religious Matters and the fire brigade shall participate.

22. Prayer meetings, in premises which are not especially adapted for this purpose (e.g., dwelling houses), may be arranged only if permission for each separate case is granted by the proper authority.

Believers who have formed a religious society or group may notify the authorities concerning a series of prayer meetings held within a period of one year.

Believers who have not formed a society or group must notify authorities regarding each such prayer meeting separately.

23. Permission by the proper authorities is necessary for general assemblies of religious societies or groups.

24. The following shall be submitted in an application for the convocation of the assembly:
a. the time and location of the assembly and the approximate number of participants;
b. agenda of the assembly;
c. the family name, name and patronymic of the responsible organizer (or organizers) of the assembly.
A receipt shall be given to the organizer by request upon the acceptance of the application if it fulfills the requirements mentioned above.

* * *

V. PROCESSIONS AND CEREMONIES

33. Any kind of religious rites or ceremonies or display of objects of a cult in the premises of State, public, cooperative or private institutions and enterprises shall be prohibited.

This prohibition shall not apply to:
a. the performance of religious rites on the request of dying or dangerously ill persons in hospitals and prisons, if such rites or ceremonies are performed in specially isolated rooms, or to the performance of religious rites and ceremonies in cemeteries and crematoria;
b. images of religious characters (statues and pictures) of artistic, historic or museum value which are exhibited in museums, galleries and other similar institutions.

34. Any kind of religious ceremonies, such as prayers, requiem masses, baptisms, the bringing of holy images (ikona), and the like, may be performed within the family or in apartments without the permission of or notification to authorities.

The performance of religious rites may take place only if all persons living in rooms used in common are agreeable respecting the performance of such rites.

* * *

VI. THE REGISTRATION

42. The local religious associations of believers who are 18 years of age or over shall be registered as religious societies or groups of believers.

No religious society may be organized with less than 20 citizens, however, a group of believers may be organized by citizens too few in number to organize a religious society.

43. A religious society or group of believers may start its activities only after registration by the Committee for Religious Matters at the proper city or district soviet.

* * *

VII. ACCOUNTING

47. A list of members of the executive bodies and accounting committees as well as a report on changes in this list shall be submitted within seven days by the religious society or group of believers to registration agencies.

Such a list and report shall be submitted in two copies according to the established form.

A receipt shall be given to the religious society or group of believers according to the established form upon acceptance of the list or report.

48. Data on the clergy, preachers, preceptors, etc. who serve the religious society or group of believers shall be submitted to the registration agency in two copies according to the established form.

A receipt shall be given according to the established form upon acceptance of the date.

49. A religious association must submit to the registration agency a list of its members according to the established form.

The first list shall include all members of the religious society or group of believers. By January 1 of each year, a report shall be submitted on changes in the list of members of the society or group.

* * *

VIII. SURVEILLANCE

54. The activities of the religious societies and groups of believers are under the surveillance of the proper committee for religious matters.

55. In exercising surveillance, the proper committee for religious matters, as well as other authorities whose duty it is to safeguard the revolutionary order and safety, may send their representatives to each assembly or meeting of believers for the purpose of watching over order and safety.

Persons sent to the assembly for supervision over order and safety may not participate in discussions or voting or engage in the leading of the assembly.

* * *

58. Members of the militia, as well as local soviets and other authorities whose duty it is to safeguard the revolutionary order and safety, may send their representatives to any procession and ceremony for the maintenance of order and safety during the procession or ceremony.

Persons sent to the procession or ceremony for maintaining order and safety may break off the procession if the lawful orders of authorities are not observed and demand that the participants depart without delay.

* * *

61. In case of a disclosure in the activities of a religious association of deviations from the rules established for such association, the registration agency shall demand the correction of the defects by the date indicated by the agency.

If the religious society or group of believers refuses to correct the defects, as well as in the case of the disclosure of the violation of laws, the city or district committee for religious matters may ask the Committee for Religious Matters at the Council of Ministers to liquidate the society or group.

Such a decision shall be delivered to the executive body of the society or group.

* * *

64. The contract may be annulled if the religious association has not observed orders of authorities (on re-registration, renovation, etc.), as well as in the case when the p[illegible] building is needed for State or public use.

* * *

Reading 30: A Change in Propaganda Policy

From *Marxist-Leninist "Scientific Atheism" and The Study of Atheism in the U.S.S.R.* by James Thrower. Berlin: Mouton Publishers, 1983. Reproduced by permission of the publisher.

This resolution reflects the Communist Party's desire to develop more sophisticated methods of anti-religious propaganda. However, Reading 30 shows that the effort wasn't entirely successful.

THE 10TH NOVEMBER 1954 RESOLUTION OF THE COMMUNIST PARTY OF THE SOVIET UNION 'ON ERRORS IN THE CONDUCT OF SCIENTIFIC AND ATHEISTIC PROPAGANDA AMONG THE POPULACE'

In accordance with its Programme, the Communist Party is conducting scientific and educational propaganda of the materialist world view, aimed at a constant increase of the consciousness of the labouring masses and toward their gradual liberation from religious prejudices. In so doing the Party has always considered it necessary to avoid offending the feelings of believers in any way.

The Central Committee has information at its disposal that attests that in recent times gross errors have been committed in scientific and atheistic propaganda among the populace in a number of places.

Instead of developing regular, painstaking work in propagating natural-scientific knowledge and instead of waging an ideological struggle against religion, certain central and local newspapers as well as speeches of certain lecturers and reports, are permitting offensive attacks against clergy and believers participating in religious observances. There are cases of the ministers of religious cults and believers being represented–without any basis in fact–in the press and in propagandist' speeches as people who are not politically trustworthy. In a number of 'rayons' [an administrative district] there have been cases of administrative interference in the activities of religious associations and groups as well as coarseness towards the clergy on the part of local organisations and certain individuals.

Such errors in anti-religious propaganda are fundamentally contrary to the Programme and policy of the Communist Party with respect to religion and believers and are a violation of repeated instructions by the Party concerning the inadmissability of offending the feelings of believers.

The Central Committee considers it incorrect that many Party organisations have divested themselves of day to day leadership of scientific and atheistic propaganda and do not concern themselves with the careful selection of propaganda personnel. Frequently people who are ignorant of science and questions of atheistic propaganda, and at times even hacks, knowing mainly anecdotes and stories about the clergy, are permitted to publish in the press and give lectures and reports. Such an irresponsible approach to the selection of authors of articles and lecturers and reporters and the absence of appropriate supervision by party organisations of the correct trend of scientific and atheistic propaganda is doing serious harm to cultural and educational work among the population.

The Central Committee of the CPSU resolves:

That it is incumbent upon 'oblast' and 'kray' (Provincial and Regional) Party committees, the Central Committees of Communist Parties of the Union Republics and upon all Party organisations resolutely to eliminate errors in atheistic propaganda and in no case to permit in the future any offences whatsoever against the feelings of believers and clergy or to permit administrative interference in the activities of the church. It is necessary to keep in mind that offensive actions with regard to the church, the clergy, and citizens who are believers are incompatible with the line of the party and state on the conducting of scientific and atheistic propaganda and are contary to the Constitution of the U.S.S.R., which accords freedom of conscience to Soviet citizens.

As a result of the profound changes in the socio-economic conditions of life, the liquidation of the exploiting classes, and the victory of socialism in the U.S.S.R., and as a result of the successful development of science and the overall growth in the country's cultural level, the majority of the Soviet Union's population has long since freed itself of religious carry-overs from the past; the consciousness of the workers has grown immeasurably. However, one must not fail to keep in mind that there are also citizens who, while actively participating in the life of the country and honestly fulfilling their civic duty to the homeland, are still under the influence of various types of religious beliefs. The Party has always demanded, and will continue to demand, a tactful and attentive attitude toward such believers. It is all the more stupid and harmful to consider certain Soviet citizens politically suspect because of their religious convictions. Profound, patient and properly conceived scientific and atheistic propaganda among believers will help them ultimately to free themselves from their religious errors. On the contary, all manner of administrative measures and offensive attacks against believers and clergy can only do harm and result in a consolidation and even reinforcement of their religious prejudices.

In conducting scientific and atheistic propaganda, it should be kept in mind that one cannot equate the situation of the church in a socialist country with the situation of the church in an exploitative society. In bourgeois society the church is a support and weapon of the ruling classes, which utilises it for the purpose of enslaving the workers. This does not rule out the possibility that individual clergymen in capitalist society are also capable of going over to, and do go over to, the viewpoint of the workers on a number of basic political questions. However, these clergymen are usually subjected to all manner of persecution on the part of the church and government circles of the capitalist countries because of their behaviour contrary to the interests of the exploiting classes.

In Tsarist Russia the church faithfully served the autocracy, the landowners, and the capitalists, justified the harsh exploitation of the masses and supported the exploiters in their struggle against the toilers. It is a known fact too that immediately after the victory of the October Socialist Revolution, during the years of the civil war and afterward, many religious organisations and groups of the clergy maintained a hostile attitude toward the Soviet government. In this connection certain ministers of religious cults were called to account by the state not for their religious activities, but for their anti-government activities directed against the interests of the Soviet people and designed to please internal counter-revolution and international imperialism. It is natural, therefore, that the struggle of the Soviet people against the enemies of the socialist state also included struggle against those reactionary church representatives who conducted activities hostile to the Soviet people. At the present time, as the result of the victory of socialism and the liquidation of the exploitative classes in the U.S.S.R., the social roots of religion have been sapped and the base on which the church supported itself has been destroyed. Today, the majority of the clergy, as facts testify, also take a loyal stand with regard to the Soviet government. Therefore, the struggle against religious prejudices today must be regarded as an ideological struggle of the scientific, materialist world view against the anti-scientific, religious world view.

Righting of the mistakes committed in anti-religious propaganda must not lead to a weakening of scientific and atheistic propaganda, which is an integral part of the communist education of the working people and has as its aim the dissemination of scientific, materialistic knowledge among the masses and the liberation of believers from the influence of religious prejudices.

(*Pravda*, November 1954)

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Reading 31: Teaching Methods Used to Form Atheistic Convictions

"Teaching Methods Used to Form Firm Atheistic Convictions in Soviet Students" by M. F. Zakharov. Translated into English and published by the Joint Publications Research Service, No. 36, 056.

This article, written by a senior Russian teacher, is typical of the anti-religious propaganda which was increased during the Kruschchev regime. The essay calls upon teachers to demonstrate the superstitious roots of religion and to attack the religions by showing the contradictions of the Bible and the Koran with the findings of science. The essay's approach to the Bible appears completely innocent of modern critical scholarship, yet such a crude criticism might well be successful among the young.

* * *

By M.F. Zakharov, Senior Teacher at the Kazakh Pedagogical Institute

In the Program of the CPSU great value is given to the further formation of a scientific Weltanschauung of the Soviet people. And this is understandable. After all, the spiritual development of a person cannot come about successfully if he does not renounce mysticism, superstitions. Besides this, it is necessary to consider the ever-intensifying ideological struggle on the international arena, the strengthened anti-Communist campaign. Besides, the enemies of Communism readily use religion and the church. Therefore the struggle against religious survivals in the consciousness of the people remains one of the most important tasks of the ideological work with young people.

A peculiarity of the religious Weltanschauung rests in the fact that it can durably capture the consciousness of young people. Church-goers excellently understand that it is easier to instill religious dogmas in impressionable minds, that many students are still not prepared to contrast anything convincing to religious fabrications. Therefore, where we weaken atheistic work, the "saintly fathers" strengthen their propaganda, and sometimes they can manage to capture individual young people in their nets.

Our young people in an overwhelming majority are educated in the spirit of atheism and reject the religious Weltanschauung. But one should say that our graduates still are not armed with the necessary knowledge to manage successfully the refutation of even the simplest dogmas, with which they are sometimes attacked by semiliterate believers, and frequently do not sustain an argument. They, as a rule, are not ready for serious argument with such a person, not prepared to convince him that he errs, to help him to be torn from religion. Therefore the teacher of social science should not only form scientific and materialist views for students, but also should prepare militant atheists, instruct them how it is necessary to refute church dogmas.

At the basis of scientific and atheistic propaganda is elucidation of the most important phenomena of nature and life of society, such as, for example, the formation of the Universe, the origin of life and man on the Earth. It is necessary to relate the most recent achievements in the areas of astronomy, biology, physiology, chemistry, and other sciences, to show that they confirm the correctness of the materialistic view of the development of nature and society. Teachers of social science should, based on the knowledge of the students, form in them an integral scientific and atheistic Weltanschauung, disclose as far as possible the gnosiologic and social roots of religion, show the incompatibility of science and religion, acquaint them with the basic sources of religious dogmas–the Bible and the Koran–to show their antiscientific and contradictory nature.

In most cases, when occupied with atheistic training in lessons of social science, teachers cite scientific data, explain this or that phenomenon of nature and society, considering that this knowledge is quite sufficient so that in the students an ordered system of atheistic views will be formed. But this is not enough; it is desirable to compare scientific data with Biblical legends, to show the unfoundedness, the confusing and contradictory nature of religious dogmas.

It is necessary to use texts of the Bible, the Koran and other "sacred writings" more widely for exposing religion.

Certain students hear from their parents that the Bible is an intelligent and interesting book. Some of them believe this. Thus, in one of the schools of Alma-Ata a teacher of the bases of general biology assigned a composition on the "Origin of Life on Earth." Pupil Lyuba K. copied (apparently on the advice of believing parents) the first and second chapters of the Bible and passed the composition in for checking. Certainly, the teacher applied all her effort to convince the pupil that life on Earth did not happen as the Bible affirms. But if she showed this pupil the contradiction and non-correspondence in the actual Bible she would understand the falsity of Biblical stories that much more quickly.

Conducting atheistic work, it is necessary to show the unfoundedness of the dogmas not only of the Christian church but also of the Moslem. These two religions are widespread.

When beginning to present a course in social science, I already at the first lesson indicate that idealism is the road to priestcraft, that idealism and religion go hand in hand. . . .

Speaking, for example, about movement, I emphasize that philosophical materialism recognizes the objective existence of matter. A variety of things, phenomena and processes appear in the process of the movement of matter. Religion considers movement as a manifestation of the will of God. Hence appeared such a saying as: "Not one hair from the head of a person will fall without the will of God." But the Koran records: "And the Lord creates that which he wishes, and invents: they have no choice!" By this the church deprives the believers of any initiative, generates in them a weak will, a contemplative relationship to the surroundings.

The incompatibility of religion and science graphically appears in the solution of the basic question of a Weltanschauung: was the world created by God or does it exist perpetually? Religion affirms that the creator of the world is God. It is best to expose this affirmation of religion with the sacred writings themselves–the Bible and the Koran. Preliminarily it is necessary to ask the students to bring to the lesson *Bibliya dlya veruyushchikh i neveruyushchikh [Bible for Believers and the Unbelieving]* by Yaroslavskly or *Zabavnaya Bibliya [Amusing Bible]* by Leo Taksil.

From the book *Bytiye [Being]* I read separate fragments, and the students followed in their own books. This is necessary in order to show that the "Bible" of Yaroslavskly or *Zabavnaya Bibliya [Amusing Bible]* and Leo Taksil contains verses of the authentic Bible, to which corresponding commentaries are given.

After reading the verse the students subject them to their critical analysis and actually find contradictions in them, are convinced of the naivete and awkwardness of "sacred writing."

Then I read from the "sacred book" of the Moslems–the Koran–how Allah created the world and the students themselves are convinced of how far the affirmations of the Bible and the Koran are contradictory on the same question.

Such work shows the students the falsity of the "sacred" books and of any religion. One student directly stated: "I heard from my parents more than once that the Bible is a saintly book and the most truthful and that is why I felt some reverence for it, but now, hearing extracts from it, I have lost this sense, and I see no holiness in it, this is simply a book of fairy tales and fiction."

It is possible to show the opposition of religion and science convincingly during an explanation of the question of the origin of life on Earth. According to the religious concepts, the world and living nature are created by God. Corresponding places from the Bible and the Koran are read. After this I make a small analysis of the verses and report that the classification of plants and animals has established that on Earth there exist at least 500 thousand forms of plants and at least 600 thousand types of animals. A scientific paleontologic picture of the world of living beings indicates that organic life appeared on Earth not 7.5 thousand years ago, as is said in the Bible, but nearly a billion years ago. The forms of animals and plants were not developed simultaneously, not in three days, but appeared in various geological epochs.

Speaking of regularity and law, I report that idealists consider the creation of laws either as a person or as a mythological "absolute idea," "world spirit," i.e., God. For example, the

Koran denies any regularity in nature and society, substituting for it the formula: "God creates as He wishes," he is the "accomplisher of that which He desires."

Telling the students about a materialistic understanding of history, I pursue the question: "Tell why man was separated from the world of animals?" The students answer, citing the words of Engels, that labor developed man. "But who knows the myth about the creation of man by God?"–I ask.

Two comrades raise their hands timidly and in two or three words say that, according to the Bible, God created man out of clay. With this their knowledge is exhausted. Then I read from the Bible and the Koran those places where the creation of man is described. I ask, where are the contradictions here? The students answer that according to the Bible, Adam is created out of clay, and according to the Koran, out of soul or out of water.

I also read fragments about the creation of Eve. The students again are convinced of the contradictory nature of the "sacred writings": according to the Bible Eve is created from the rib of Adam; according to the Koran, from "one soul" or out of water.

The existence of human society is declared by the Koran as only the "arbitrariness of Allah," as "divine determination."

When studying the question "classes and the class struggle," I acquaint the students with how religion treats this question. It affirms that the existence of power is established from God, that He supposedly wished that the world be divided into rich and poor. For example, in the Koran, inequality, class oppression are given as the determination of Allah. "We–it is said in the Koran–divided subsistence in life among fellow men and raised some by degrees above others so that some took others in service."

* * *

Poverty, grave human suffering, social injustice, etc.–all of this, according to the Bible and the Koran, is a benefaction of God, of Allah. To whom is this sermon profitable–it is simple for the student to understand.

Students acquire experience in exposing religious ideology, presenting conversations in groups of junior courses. Those who successfully come forward in groups were assigned to conduct conversations in the shops of the base enterprise.

Thus, student Kazdazena successfully presented a report on "Baptism and its Ideology" before the collective of one of the shops of the Alma-Ata House Constructing Combine. Among the audience there turned out to be believers–Baptists, who entered into an argument with her. But she easily refuted the arguments of the Baptists. This encounter showed that with good training, with good knowledge it is not terrible to enter into an argument with believers.

One should allot atheistic training especially great attention during the study of the subject "religious morals and communist morals." Citing examples from surrounding life, connecting the material of the lesson with the personal experience of the students, we are obliged convincingly to dethrone the main thesis of theology that supposedly religious faith serves as a support of morality, that religion supposedly fosters high moral qualities.

But what happens in reality? The Gospel affirms that it is possible to sin, to be the last ones on Earth but then be first in heaven. Do such morals teach the good? Students say that such morality covers any crime.

Now churchgoers love to flaunt the Biblical commandments, to underline that they also call people to morality. But in the Bible and the Koran one encounters a great number of positions which are mutually exclusive. In the Gospel of Matthew one reads: "Blessed are the peacemakers: for they will be named with the sons of God," and next: "Do not think that I come to bring peace on Earth, I come not to bring peace, but the sword." Churchgoers affirm that religion instructs "do not steal," "do not commit adultery," "do not kill," etc. But here is what is recorded in the Bible on the subject "do not kill": "But whoever offends me of the little ones who believe in Me, it would be better for him if a millstone were hung around his neck and he were drowned in the depths of the sea." One West Germany bishop did not follow this requirement when he called for the use of atomic weapons in the name of the rescue of faith and the eradication of atheism. He said that the use of the hydrogen bomb, from the point of view of Christianity is not such a terrible matter, since we all aspire to eternal life, and if, for example, one hydrogen bomb will destory a million people, then those killed will thus attain the eternal realm more quickly.

Showing of Biblical contradictions leaves an indelible trace in the consciousness of students, they learn the falsity, the hypocrisy of Biblical dogmas from this material.

Illuminating such an important question as "the family and marriage," it is necessary to show in what position religion places women. This is necessary all the more because an overwhelming majority of believers are women; they educate children, and upon the success of atheistic work among women in many respects depends the resolution of the problem of overcoming the religious trance. We are obliged to show that any religion is the most wicked enemy of women, that for centuries the most inhuman forms of the exploitation of women were sanctified in the name of God, her human merit was trampled in the mud. Religion humiliates and insults women, places her in the position of a slave, a thing belonging to the man. "Your wives"–it is recorded in the Koran–"are grain fields for you. . . ." Religion instructs that woman should serve man during his life and later after life. If woman manifested resistance, disobedience, then man can beat her and even kill her. "And those who are unruly . . . strike them," "hold them in buildings, until death will calm them." These requirements of religion, for example, even entered in the code of laws of some Moslem states.

It is possible to conduct seminar lessons on criticism of the religious dogmas of the Bible and Koran in a very interesting manner. For this, preliminarily, for approximately a month, it is necessary to give the students an assignment to read the "Bible" of Yaroslavskly, to select corresponding numbers of the journals *Nauka i Tekhnika [Science and Technology], Znaniye-Sila [Knowledge is Power], Tekhnika Molodezhi [Engineering for Young People]*, etc. The task of such seminars is to expose the dogmas of the Bible and the Koran, to prove their unfoundedness, their antiscientific, contradictory nature. This will not only expand and deepen the knowledge of the students, but will also train them in how it is necessary to struggle against the false positions of religion.

* * *

Reading 32: Alexander Solzhenitsyn

From *Church, State and Opposition in The U.S.S.R.* by Gerhard Simon. Berkeley, CA: University of California Press, 1974. Reproduced by permission of the publisher.

This impassioned letter was sent by Solzhenitsyn to the new Patriarch Pimen during Lent in 1972, attacking the Church authorities for their acquiescence to the state. The letter points up the close links between the political dissidents and the Church opposition to the totalitarian state.

* * *

To Pimen, Patriarch of All Russia: a Lenten Letter

Most Holy Father

The subject of this letter weighs down like a gravestone upon our heads and crushes the breasts of those Russian people in whom the Orthodox faith has still not been quite extinguished. Yet another little stone has been added by your pastoral letter on Christmas night. Now, further silence becomes impossible.

What brought pain to my heart was the passage where you spoke at last of the children—it was perhaps the first time in half a century that a person of such eminence had spoken in such a manner, saying that parents should inculcate in their children, along with a love for their native land, a love for the Church (and presumably for the faith itself?) and that they should reinforce this love by their own good example.

I heard this—and there rose up before me my own early childhood and the many church services I attended then and the very first impression which they made on me, singular in freshness and purity, which no personal suffering and no intellectual theories were able later to erase.

But what are you saying? Why do you address this honest appeal only to Russian emigres? Why do you appeal only for those children to be brought up in the Christian faith? Why is it only the distant flock which you warn to be 'discerning of slander and falsehood' and to gird itself with righteousness and truth? What about us—are we to be discerning? What about our children—should we inspire in them a love of the Church or not? Yes, Christ's commandment was to go and seek the hundredth sheep which had strayed, but that was when the ninety and nine were safely in the fold. But when the ninety and nine are not in the fold should not our first concern be for them?

Why, when I come to church to have my son baptised, should I have to produce my identity card? Under what canonical obligations does the Moscow Patriarchate need to register those who are baptised?

One is only the more amazed at the strength of spirit of the parents and at the undefined spiritual opposition handed down through long centuries with which they go through this registration, though it leaves them open to denunciation.

And afterwards they suffer persecution at their place of work and are held up to public ridicule by ignoramuses. But that is where their will to resist comes to an end; the sacramental life of children within the Church usually ends with baptism and the succeeding ways of bringing them up in the faith are totally barred to them, as is access to participation in church services. They are sometimes barred from receiving communion and even from simply attending services.

We are robbing our children when we deprive them of something which they can never experience again—the pure angelic perception of worship which as adults they can never recapture nor even realise what they have missed. The right to continue the faith of their fathers is annulled, as is the right of parents to bring up their children in their own outlook on life—while you, hierarchs of the Church, have accommodated yourselves to this, even abetting it and finding in it a true sign of **freedom of religion.**

In a state of affairs, that is, where we have to hand over our defenceless children, not into neutral hands, but into the domain of atheist propaganda of the most primitive and dishonest kind.

In a situation in which our young people who have been snatched away from the Christian faith—lest they should be infected by it!—are left for their moral upbringing only the abyss between the propagandist's notebook and the criminal code.

Half a century of the past has already been lost, and I am not talking about trying to save the present. But how are we to save the **future** of our country?—the future which will be made up of the children of today?

In the final analysis the fate of our country, in the true and profound sense, depends on whether the idea of the **rightness of force** becomes finally embedded in the national consciousness, or whether it will be purged of obscurantism and will shine forth once again with **the force of righteousness.**

Shall we succeed in reviving in ourselves at least some elements of the Christian faith, or are we going to lose the very last of them and abandon ourselves to considerations of self-preservation and personal gain?

A study of Russian history over the last few centuries convinces one that it would have followed an incomparably more humane and harmonious course if the Church had not renounced its independence and the people had listened to its voice, in the same way as in Poland, for example.

Alas, for us it has long since been a different story. We have lost the radiant ethical atmosphere of Christianity in which for a millennium our morals were grounded; we have forfeited our way of life, our outlook on the world, our folklore, even the very name by which the Russian peasant was known. We are losing the last features and marks of a Christian people—can this really not be the **principal** concern of the Russian Patriarch?

The Russian Church expresses its concern about any evil in distant Asia or Africa, while it never has anything at all to say about things which are wrong here at home.

Why are the pastoral letters which are handed down to us by the supreme Church authorities so traditionally submissive? Why are all ecclesiastical documents so complacent, as though they were being published among the most Christian of peoples?

As we turn from one complacent letter to another we can but ask whether, one unpropitious year, the need to write them at all will disappear: there will be nobody to address them to, no flock will remain, apart from the people on the Patriarch's own staff.

Seven years have now passed since two very honest priests, Yakunin and Eschliman, confirmed by their own sacrificial example that the pure flame of the Christian faith had not been snuffed out in our land. They wrote their well-known letter to your predecessor, setting out for him with a wealth of detailed proof that voluntary internal enslavement, even self-destruction, to which the Russian Church had been reduced.

They asked that anything that was untrue in their letter should be pointed out to them. But every word of theirs was the **truth,** and none of the Church leaders took it upon himself to refute them.

And what answer did they receive? It was the simplest and harshest—for telling the truth they were punished by being barred from celebrating at the altar. To this very day you have not redressed this. Moreover, that terrible letter from the 12 citizens of Vyatka remained similarly unanswered while its authors were crushed.

As of today the one fearless archbishop, Yermogen of Kaluga, is still exiled in his monastery-prison because he would not allow his churches to be closed or his icons and books to be burned in a belated burst of rage by that atheism which succeeded in destroying so much in other dioceses before 1964.

Seven years have passed since all this was proclaimed from the rooftops—but what has changed? For every church in regular use there are 20 which have been demolished or are ruined beyond repair and a further 20 standing desolate and profaned. Is there a sight more heartrending than these skeletons now taken over by the birds or the store-keepers?

How many towns and villages are there in the country which do not have a church at all within a hundred or even two hundred kilometres? The northern regions of our country, the age-old repository of the Russian spirit and possibly where the future of Russia most truly lies, is now completely without churches.

The activists, people who make financial sacrifices and others who leave money to the Church find that their every effort to **restore** even the smallest church is blocked by the biased legislation on the so-called **separation** of Church and state. We do not dare even to raise the question of the ringing of church bells—yet why has Russia been deprived of its ancient adornment, its finest voice? But churches apart, the Gospel is nowhere to be obtained in our country, so that copies of it have to be brought to us from abroad, as our missionaries once took them to Siberia.

Seven years have passed, and is there anything at all which the Church has defended? The whole administration of the Church is still conducted secretly by the *council for religious affairs*, including the appointment of pastors and bishops (even those who commit outrages, so as to make it easier to ridicule and destory the Church).

The Church is ruled dictatorially by atheists–a sight never before seen in two millennia! The whole of the Church's property and the use of Church funds–the mites contributed by pious fingers–is under their control. Five million roubles at a time are donated to outside funds with grandiloquent gestures, while beggars are thrown off the church porch on their necks and there is nothing with which to repair a leaking roof in a poor parish.

Priests have no rights in their own parishes; only the act of worship is still entrusted to them for the time being, so long as they do not go outside the church for it, and they have to ask permission of the town council if they want to visit a sick person or enter the churchyard.

By what reasoning is it possible to convince oneself that the planned **destruction** of the spirit and body of the Church under the guidance of atheists is the best way of **preserving** it? Preserving it **for whom?** Certainly not for Christ? Preserving it **by what means? By falsehood?** But after the falsehood by whose hands are the holy mysteries to be celebrated?

Most Holy Father. Do not ignore altogether my unworthy cry. Perhaps such a cry will not reach your ears every seven years. Do not let it be supposed, do not make people think, that for the bishops of the Russian Church earthly power is more important than heavenly power or that their temporal responsibilities are more awesome to them than their responsibility before God.

Let us not deceive ourselves before men–and even less in prayer–that external chains have power over our souls. Things were no easier at the birth of the Christian faith; nevertheless it held out and prospered. And it showed us the way: **sacrifice.** Though deprived of all material strength, it is always victorious in **sacrifice.**

Within our own living memory many of our priests and fellow-believers have accepted such a martyrdom, worthy of the early Christians. But in those days they were thrown to the **lions,** whereas today you can lose only your material well-being.

In these days, as you go down on your knees before the Cross brought out into the middle of the church, ask the Lord what other purpose but sacrifice can there be in your service to your people, who have almost lost their Christian countenance and even the spirit of the faith?

ALEXANDER SOLZHENITSYN

Lent,

Week of the Adoration

of the Cross, 1972

Reading 33: Father Sergi Zheludkov

From *Church, State and Opposition in The U.S.S.R.* by Gerhard Simon. Berkeley, CA: University of California Press, 1974. Reproduced by permission of the publisher.

Here Father Zheludkov, whose acts of courage are unquestioned, charges Solzhenitzen with a lack of realism and with conveying only half-truths in attacking the Church hierarchy for not resisting the totalitarian state. Zheludkov believes the actions of the Patriarchs was the only policy capable of preserving the Church's legal existence and its continuing right to conduct divine worship. Who is right?

* * *

Letter of Father Sergi Zheludkov to Alexander Solzhenitsyn

Christ is Risen!

Dear Alexander Isaevich,

I have the honour of greeting you on the Bright Festival of the Hope of all mankind. 'O Easter! our salvation from grief.' May I also congratulate you on receiving the literature prize. Thanks be to God, Who has brought you to this day through all the trials of your unusual life. May you have many more blessed years.

This Easter message must also serve as an answer to your 'Lenten letter to the All-Russian Patriarch.' With my deep personal respect for you, I am all the more at liberty to express to you my concern over this document which may evoke the most unexpected interpretations, even for the author. I must say that in this case your moral sensitivity has to some degree deceived you. You have made a written accusation that has been publicised throughout the world, against a man who, as everyone knows, has no possible chance of replying to you. In this respect you have repeated the moral mistake of the two well-known priests whom you mention. And you also repeated their chief mistake–you did not tell the whole truth, you gave half-truths.

The full truth is that the legal Church organisation cannot be an **island of freedom** in our strictly unified society, directed from a single Centre. There may be various opinions as to the historical significance of such a strictly unified and controlled social system. The most extreme judgment is that in our country literature and art are perishing, economics and science are lagging behind, morality is decaying, the people are becoming dull and stupid.... This extreme judgment presupposes that the destiny of Russia lies in sacrifice. At the price of its own culture our nation saved Europe from the Tatars and saved the whole world from fascism; today it is undergoing a grandiose experiment, on view to the whole world, that is not leading anywhere. This is the opinion of some. Others, on the other hand, cherish bright hopes.... My opinion here is of no value and it is not asked for. But one thing I must state with great conviction. There exists this strictly centralised system, and within it, surprisingly, is preserved an alien body–the Russian Orthodox church. It exists in very strictly determined conditions. We are **not permitted** to work at the religious education of children, or of adults, just as we are not permitted to do many other things necessary for the existence of real church life. **We are permitted only one thing**–to conduct divine worship in our churches, whereby it is supposed that this is something from the past preserved only for a disappearing generation.

What can we do in such a situation? Should we say: all or nothing? Should we try to go underground, which in the present system is unthinkable? Or should we try somehow to accept the system and for the present make use of those opportunities that are permitted? The Russian hierarchy took the latter decision.

Hence today all the evil about which you very rightly wrote, as well as all the evil you did not mention. But there was no other choice. You make appeal to the Catholics in Poland; all honour and glory to them, but they have a quite, quite different history. You justly write about the abuses that have not existed during two thousand years of Christian history. But never, never before have our completely unique conditions of human existence been known.

This is the whole truth. The late Patriarch Alexi, unable to answer the accusations of the two priests in words, answered in deeds–he forbade them to serve as priests and thereby he involuntarily confirmed the relative truth of their argument. It is good that it happened that way, and it was precisely in the courage of the two priests that the moral beauty of their action lay, which cannot at all be said, forgive me, of your amazingly pretentious document. Our present Patriarch Pimen also has no opportunity of answering you in word. By what deed do you suppose he could answer you? Only by giving up his position. But there is no one better to take his place. And anyway one man cannot change anything. So everything would stay the same. One of the consequences of your accusatory letter will be a still greater discrediting of the Church hierarchy in the eyes of those who do not understand the whole truth. Do not misunderstand me–I am not telling you to be silent; but if you do write, do not choose someone who cannot answer you and tell the whole truth. At the time when you were being heaped with slander, Alexander Isaevich, we were all grieved for you. But now you are offending the defenceless Patriarch and us–not with slander, but with talented half-truths, which to many may seem more dangerous than lies.

There must be no unwillingness for sacrifice and martyrdom in the Church of Christ. We have enough willing martyrs, both inside and outside the Church (the distinction is rather conditional), and I am sorry that you did not even mention the names of the churchmen Boris Talantov, who died in prison, and Anatoli Levitin, now suffering in prison. I would say that our duty today is to give due appreciation to their deeds, and ourselves each one to work as best we can in the opportunities open to us. In particular, there is now a problem of the Christian education of children in the scattered families of the emergent Christian intelligentsia. In general, we must make a healthy acknowledgment of reality: the Russian Church hierarchy in its present composition and in our present system cannot in any significant way affect the system. It is easy and safe, Alexander Isaevich, to accuse the bishops, but in fact the work of the Lord today is hard. The destiny of the Russian Church is inseparably linked to the fate of the people. If 'there is a future', then there will also inevitably be a renaissance of Russian Christianity.

Christ is Risen!

* * *

From *Religious Ferment in Russia: Protestant Opposition to Soviet Religious Policy* by Michael Bourdeaux. London: MacMillan & Co., Ltd., 1968.

This letter is the work of Gennadi Kryuchkov and Georgi Vins, the president and secretary of the Organizing Committee of the E.C.B. It is a masterly treatment of the constitutional question in the E.C.B.'s effort to achieve reform of legislation increasingly detrimental to the practice of religion.

* * *

An Evangelical-Baptist Letter to First Secretary Leonid Brezhnev

To the president of the Commission on the Constitution,
Comrade L.I. Brezhnev.

Copies to:

the Presidium of the Supreme Soviet of the USSR,
the Draft Bills Commission of the Nationalities' Council of the Supreme Soviet of the USSR,
the Draft Bills Commission of the Union Council of the Supreme Soviet of the USSR,
the Supreme Soviet of the USSR,
the Presidium of the Supreme Court of the USSR

'Woe unto them that decree unrighteous decrees, and that write grievousness which they have prescribed; to turn aside the needy from judgment and to take away the right from the poor of my people...' (Is. 10.1-2).

In connection with the fact that at the present time a new Constitution of the USSR is being drawn up, we, Christians of the Evangelical and Baptist faith, beg you to consider our needs as Christian citizens and to include in the new Constitution an article which would guarantee for citizens true freedom of conscience and would serve as reliable means of achieving a just peace, agreement and order, not only between church and state, but also between people of different outlooks.

We are approaching you with this request not because no such article exists at present. There is an article on freedom of conscience in the present Constitution, but in spite of its existence we have for several decades now not only been unable to benefit from this freedom in practice, but have also been victims of systematic constraints and repressions. Persecution has become hereditary—our grandfathers were persecuted, our fathers were persecuted; now we ourselves are persecuted and oppressed, and our children are suffering oppression and deprivations. Such is the real situation today.

#124 of the Constitution of the USSR which coexists with all this is unfortuately quite powerless to change the situation.

This clause is ineffective not by chance, but because it has been intentionally made so. The clause was not like this at the start, but after being altered twice its democratic character was weakened and it has come down to us in a degraded and ineffective form.

A well-defined aim was in view when the wording of the article was altered; that is, it was essential to formulate the article in such a way that, while the right to freedom of conscience was left on paper, in practice it should be possible through various instructions, administrative pressure and repressions to deprive believing citizens of this right. And it must be said that in this respect the article has entirely fulfilled its purpose.

In the history of the Soviet state there was a time when citizens enjoyed freedom of conscience.

It was first proclaimed in the Decree of the Council of People's Commissars on the 23 January 1918, 'On the Separation of Church and State'. This decree not only proclaimed freedom of conscience, but at that time also had a practical effect in its application to life, in accordance with its meaning—and this gave citizens real freedom of conscience.

One would hope that this provision for freedom of conscience was neither a mistake nor an act of excessive liberality on the part of the state; even more, one hopes it was not a democratic measure temporarily permitted in order to achieve certain aims of propaganda.

On the contrary, what was put into practical effect was contained in the promises and the programme of the Russian Social Democrats many years before the Soviet government came into being.

As early as 1904 the Social Democrats, lamenting the absence of freedom of conscience and the status of the sectarians who had no legal rights in Tsarist Russia, wrote that after the revolution the workers would be guaranteed complete freedom of conscience.

'The Russian Tsars showed no mercy on schismatics and sectarians,' wrote the Social Democrats,

> 'they persecuted, tortured, drowned, executed them, they pilloried them, threw them mercilessly into prisons and dungeons and drank their blood. And so it has gone on until now, when the mentality, laws and customs of people have become less severe. No longer are sectarians and schismatics executed before the very eyes of the people. Now they are merely put on trial, arrested, exiled, imprisoned.
>
> Sectarians are now banished ... and fined, ... their children ... are taken away from them and they are mocked in every possible way....
>
> Soon the day will come, and is indeed already near, when all people will have the right to believe in what they want, observe whatever religion they prefer. The day will come ... when the church will be entirely separated from the state. Everyone will have the right to meet freely, to speak freely and everywhere to propagate whatever views he likes. Everyone will have the right freely to print and disseminate whatever he wishes anywhere in the world.
>
> ... Sectarians! the hour of freedom is at hand and it is drawing nearer.
>
> (V.D. Bonch-Bruevich, *Selected Works*, Vol. I, pp. 197-98, Moscow, 1959.)

In 1903 V.I. Lenin wrote in a brochure, *On Rural Poverty*:

> 'The Social Democrats go on to demand that each individual should have the full right to confess any creed whatever quite openly ... In Russia ... there still remain disgraceful laws against people who do not hold the Orthodox creed, against shismatics, sectarians, Jews. These laws either forbid the existence of such a faith or forbid its propagation ... All these laws are most unjust and oppressive, they are imposed by force alone. Everyone should have the right not only to believe what he likes but also to propagate whatever faith he likes ... No civil-servant should even have the right to ask anyone a single question about his beliefs: this is a matter of conscience and no-one has the right to interfere.'
>
> (V.I. Lenin. Vol. 6, pp. 325-92.)

The demand for freedom of conscience was included in the 1903 programme of the second Russian Social Democratic Workers' Party congress, in which it is stated in particular that the Constitution of the Soviet Union must guarantee the following:

#5. Complete freedom of conscience, speech, press and assembly.

#7. Complete equality of rights for every citizen, regardless of sex, religion, race or nationality.

#13. The separation of church and state.

(*The CPSU in its Resolutions*, Part I, Moscow 1954, pp. 40-41)

From the above quotations it may be seen that the whole question of conscience revolves around two basic propositions:

1. The right of each citizen freely to propagate his beliefs, and
2. The right of the church to be separate from the state.

As of rural poverty, so of the urban intelligentsia; everyone understood that, regardless of how the law on freedom of conscience should be formulated, these two propositions should be its basis and should penetrate the whole legislation like a golden thread.

This was why, after these demands and promises on the programme, the Decree of 23 January 1918 announced:

> 'Every citizen may confess any religion ...'

The words 'confess a religion' signify:

> 'openly to proclaim one's religious convictions, openly to witness to one's faith.'

This is why #13 (on freedom of conscience) based on the decree and the first Soviet Constitution of 10 July 1918, proclaimed:

> 'In order to guarantee complete freedom of conscience for the workers, the church is separated from the state and the school from the church; the right to religious and anti-religious propaganda is recognized for all citizens.'

It would appear that this article, which openly set forth complete freedom of conscience and democracy, should have been unshakable.

However, if in time it had to be altered, then the change should have been one of enlargement only, and in no circumstances of limitation on freedom of conscience.

In fact, to change an article in the direction of restriction on citizens' rights entails betrayal of all one's pronouncements, of all one's promises and of one's programme. This means deceiving the people. Yet this has actually happened! The above article did not remain in force for long.

In order to carry out the intention of an administrative and physical struggle to destroy religion and the church, on 8

April 1929 a special resolution was passed by the All-Union Central Executive Committee and the Council of People's Commissars, 'Concerning religious societies', which aimed at reducing freedom of religion to nothing. This resolution should have given a concrete juridical interpretation to the Decree and the Constitution, it should have been based on them, as well as upon the supreme legislative acts. However, it deprived citizens of the possibility of enjoying the right to freedom of conscience.

Thus in its #7 this resolution gave all registering bodies the right arbitrarily to refuse to register religious societies, while according to #4, religious societies are not allowed to function without being registered.

According to #12 of this resolution, meetings of the society and of groups of believers can take place only with the permission of the relevant state authorities.

#14 gives the registering bodies the right to dismiss members of the executive body without stating a reason, and this gives them the right to appoint executive bodies of communities in their place, as they see fit.

All this contradicts the principle of the separation of church and state. This resolution gives government organs the right in certain cases to declare a place of worship to be subject to demolition without obliging them to provide an equivalent one in its stead....

There are a number of other such restrictions. It is quite understandable that the article on freedom of conscience in the first Constitution should have presented a serious obstacle in the way of this resolution. So it became necessary to change the article of the Constitution. Only 40 days later, that is on 18 May 1929, the article of the Constitution on freedom of conscience was altered, after which the article read thus:

> 'In order to guarantee true freedom of conscience for workers, the church is separated from the state and the school from the church, while all citizens are recognized as having the right both of religious confession and of anti-religious propaganda.'

But even this version did not remain unchanged for long and after a second amendment #124 as it is now in force reads thus:

> 'In order to guarantee freedom of conscience for all citizens, the church in the USSR has been separated from the state and the school from the church. The freedom to hold religious services and the freedom of anti-religious propaganda is acknowledged to all citizens.'

Those who have not suffered or experienced the consequences of such amendments of the article will say:

> '#124 is not so bad, you know. It guarantees freedom, in spite of having been amended.'

But what is really behind the emendation of the article and with what aim was it altered? A tree is known by its fruits and from the results of the emendation one can see the sort of rod arming the hand which brought about this change. It is quite clear that if after the amendment to the article in 1929 there followed the first horrors of the 30's, then after the amendment of 1936 there followed 1937, the infamous year which has gone down for ever in history as a year when unheard-of repression and arbitrariness reached their culmination.

Now the present #124 does not correspond to the Universal Declaration of Human Rights, adopted by the General Assembly of the U.N. on 10 December 1948, and signed by the governments of the world, including ours. This declaration proclaimed the basic rights of the individual and in particular the right of each to freedom of conscience. The declaration reads thus:

Article 18:

> 'Every man has the right to freedom of thought, conscience and religion; this right includes the freedom to confess one's religion or convictions either ... individually or collectively, both publicly and privately in teaching, at worship and in the observance of religious rites and rituals.'

Article 19:

> 'Every man has the right to freedom of conviction and to express this freely; this right includes the freedom to uphold one's convictions without hindrance and the freedom to look for, receive and propagate information and ideas by any means and independently of all national frontiers.'

#124 of the Constitution does not even correspond to the convention, 'Concerning the struggle against discrimination in the field of education', adopted by the U.N. in 1960, so that by not providing for the right to engage in religious propaganda, #124 gives grounds to atheists to prevent believers bringing their children up in the religious tradition, whilst the above-mentioned convention states:

Article 5:

> 'Parents . . . should have the opportunity to . . . guarantee the religious and moral upbringing of their children in accordance with their own convictions.'

The present convention became effective in the USSR on 1 November 1962 *(Vedomosti Verkhovnovo Soveta SSSR* ('Gazette of the Supreme Soviet of the USSR') No. 44 (113), Article 452, p. 1047).

The apparently insignificant amendment to the article enabled a programme of mass repression to be practically applied. The outcome was the death of thousands of believers. They died in thousands in prisons and concentration camps. Their children, wives and relations waited in vain for them and do not even know where they have been laid to rest. The Lord God alone knows where are the mass graves of our brothers.

Can we now say that all these nightmares are now behind us? No! Such criminal activity has not yet ended! It still continues. And here is living proof of this: at this moment, as you read our letter, many hundreds of believers have been illegally deprived of their freedom, they are in prison, in concentration camps and in exile, while some have died a martyr's death; the children of believers have been taken from them, thousands of ECB communities have no legal status, their meetings take place in private houses, where there is only room for 25-30 per cent of the members of the congregation; moreover, even in these conditions, believers cannot gather in peace, because often these meetings of the faithful are dispersed by the regular and auxiliary police and the houses are confiscated.

All this gives evidence that this criminal activity has not come to an end! But it can and must be stopped!

And we consider that this must be done at once. Now that a new Constitution is being drafted, what moment could be more opportune for bringing to an end injustice and illegality towards Christian citizens?

We address ourselves to you, as you have the right of initiating legislation, and in the name of all ECB citizens we beg you:

1. to re-establish the meaning of the decree 'Concerning the separation of church and state' and its previous objective interpretation in its practical application);

2. to repeal the resolution of the All-Union Central Executive Committee and Council of People's Commissars made on 8 April 1929, 'Concerning religious societies', because it contradicts the spirit and letter of the basic legislation of the decree, and also to annul all instructions and resolutions which contradict the decree;

3. to give maximum clarity and precision of formulation to the article on freedom of conscience in the Constitution now being worked out by you, so that the clause contains a guarantee of true freedom of conscience, i.e. to include freedom of religious propaganda, without which there can be no question of true freedom of conscience.

Today the fate and future well-being of hundreds of millions of people lie in your hands. The new Constitution must show whether the government of our country will take up a position of freedom, equality and brotherhood towards believers and the church, or whether as before, it will follow the road of arbitrariness and force, which lead not to well-being but to retribution from the Lord which will weigh heavily on the people.

As people who have themselves experienced the full position of believers who have no rights, and as people who have been appointed by God as witnesses to the world, we are obliged to say to you that as rulers you are guilty before God not of breaking the canons of the church, but of breaking the natural laws of truth, freedom, equality and brotherhood. Therefore we consider that by addressing ourselves to you in this letter, we have openly and honestly fulfilled our duty before God and before you.

Accept our sincere wishes for success in establishing justice by embodying it in the relevant principles of the new Constitution.

With respect and by the request of the Christian citizens of the Evangelical and Baptist faith,

Chairman of the Organizing Committee of the ECB Church,
G.K. Kryuchkov;

Secretary of the Organizing Committee of the ECB Church,
G.P. Vins

14 April 1965

* * *

Reading 35: The War Over the Crosses

From *The Washington Post*, 9 March 1984 and 13 March 1984. Reproduced by permission of *The Washington Post*.

These news reports by Bradley Graham, *Washington Post* correspondent in Poland, tell of the most recent confrontation between church and state in Poland. The "war of the crosses," as it is called, is over the removal of crucifixes from state schools—and other public institutions. The incident reflects the tense and precarious relations between the regime of General Jaruzelski and the Polish Church.

* * *

'Crusade of the Crosses': Protest Moves to Polish Shrine

A vanguard of scores of young people set out today on a defiant pilgrimage to Czestochowa, site of Polands's holiest shrine, to protest the removal of crucifixes in a local state-run school as high-ranking Roman Catholic Church and state officials scheduled talks tomorrow on the crises.

A local school principal, who touched off the confrontation by ordering crosses taken off the classroom walls of the area's agricultural vocational high school, threatened to deny graduation to protesting seniors unless their parents signed a statement recognizing the secularism of state schools. The parents, supported by parish priests infuriated by the government's action, today refused to sign.

Hundreds of students from this area packed into cars, buses and trains here tonight to make the journey to Czestochowa in central Poland, where the Jasna Gora monastery holds the Black Madonna, Poland's most revered shrine.

They were joined by dozens of youths from the neighboring town of Zelechow and were expected to meet up with others from around Poland over the weekend in Czestochowa.

Amid indications of quickly gathering popular support for the Garwolin protest—which church officials have already started calling the "crusade of the crosses"—the government of Polish leader Gen. Wojciech Jaruzelski appeared headed for a serious and potentially explosive confrontation with the country's powerful Roman Catholic Church and predominantly Catholic population.

While disputes over the hanging of crosses in public institutions have flared in a number of places in Poland in the past, none has become as dramatic as the case here.

After several months of somewhat hesitant and fearful efforts to get state officials to reverse the December ban on crucifixes, students in this farm community about 40 miles southeast of Warsaw started demonstrating Tuesday, staging sit-ins, a march and attending protest masses. They were joined subsequently by students at three other area high schools.

The protest comes at a time of heightened concern about a string of recent repressive moves against militant priests, dissident writers and opposition attorneys. These actions may be a sign of a more hardline policy by the Communist leadership against pockets of continued political resistance.

In the latest such example, authorities Thursday announced the arrest of dissident author Marek Nowakowski, a prominent short-story writer, on charges of "cooperation with persons representing western organizations which carry on activities detrimental to the Polish state."

Given the country's still resentful mood, the conflict over the crosses runs the risk for Jaruzelski of becoming a goad for new opposition action.

The 1980-81 Solidarity period saw an expansion of religious expression along with other freedoms, and one demonstration of this was the proliferation of crucifixes in factories, hospitals, schools and other state-run institutions.

Poland's Communist authorities have since made clear their opposition to the placing of crosses in public places, arguing that church and state are designated separate in the Polish constitution, making it inappropriate to have religious symbols in state institutions.

But a senior ranking church official said that Primate Jozef Glemp was able to secure from Jaruzelski a letter stating that the authorities would not attempt to remove crosses by administrative decree or by force, in return for assurances from the church that its officials would not encourage the hanging of additional crosses.

Church officials said this understanding was violated in Garwolin by the principal of the agricultural school.

While sounding determined to go on with the protest, a number of students interviewed expressed some nervousness and fear about the repercussions that might be brought on them for their defiance.

Before setting out, they congregated in the large stone Garwolin church for a service of encouragement by the Rev. Stanislaw Binko, a local priest.

"Poland is today a burden and has difficulties and we're looking for solutions," Binko said as the youths and hundreds of townsfolk fingered wooden crosses around their necks. "We will not find them without the cross."

Noting the world attention that has been focused on this small town of 15,000, the priest declared, "Christ today is speaking from Garwolin. He is speaking from here to the entire world."

A few blocks from the church, a convoy of blue militia vans was parked as uniformed police, present in extra numbers in the town since the demonstrations started, checked the identity cards of students leaving tonight.

During the mass, Jerzy Dabrowski, deputy secretary of the Polish Episcopate, was spotted conferring outside with the main parish priest, the Rev. Henryk Bujnik, who said afterwards the bishop had come from Warsaw on a fact-finding tour in preparation for a high-level meeting Saturday between church and government officials. Bujnik said he did not know who would be attending the talks.

Last night, the agricultural school principal, Ryszard Domanski, summoned parents of final year students to the school and demanded that the parents sign a statement saying that schools are state property where religious symbols have no place—or else their children would be expelled without graduating.

According to Bujnik, only one of 160 parents in attendance agreed to sign. The others attacked the principal. "They really gave him hell," said the priest.

Added the 53-year-old cleric: "Some parents asked me for advice. I told them to hold on strong."

'War of Crosses' Escalates in Poland

Poland's "war of the crosses" escalated today into a major church-state confrontation as the government declared that crucifixes in state-run schools would have to come down and the leading council of the country's powerful Roman Catholic episcopate insisted the crosses be allowed on classroom walls "where it is the will of the community to have them."

Offering the government's first public statement on the week-old conflict, government spokesman Jerzy Urban said at a press conference that the state's policy opposing the placing of religious symbols in secular institutions was unchangeable and would be enforced.

He blamed "overzealous" priests and activists exercising "expansionist clericalism" for orchestrating an occupation of an agricultural high school in Mietno, near Garwolin, southeast of Warsaw. The action came after local authorities had removed crosses from the school on the pretext of using the building for a Communist Party meeting, then refused to permit the crucifixes to be restored.

Urban said authorities would avoid "drastic measures" in taking down crosses in other schools around the country but, asked if all crosses still hanging in state-run schools would be stripped away, the spokesman curtly answered: "Yes."

Less than two hours later, Jan Mazur, the bishop of Siedlce, whose diocese contains the agricultural school, stepped up to the pulpit before a packed church in Garwolin to read a statement expressing full backing for the protest by the episcopate's main council. The council of senior bishops met today with Poland's primate, Cardinal Jozef Glemp, after Glemp's return Monday from a month-long trip abroad.

"The Polish episcopate has always defended respect for religious symbols and the display of them in public places, including in the schools," the church statement said. "It is still of the opinion that crosses should be allowed to return to places where it is the will of the community to have them, so that the rights and the will of believers are respected.

"The church will not retreat, the church is not leaving you," the statement assured. "The good of the country requires calm which can only be achieved if the basic rights of Catholic society and individuals are respected."

Applause broke out in the large stone church among the 4,000 mostly young people present as the bishop finished reading the church council's message. "This is not a rally, this is a religious service," the prelate chided.

For the regime of Polish leader Gen. Wojciech Jaruzelski, the dispute over the crosses threatens to disrupt an accommodation with the Catholic hierarchy that authorities had been counting on to maintain peace in a country still simmering with resentment over the crushing of the Solidarity movement two years ago.

Urban sought to minimize the significance of the Mietno protest, saying it was a local conflict being solved on the local level and has not been a subject of high-level church-state talks. He said a meeting of the standing church-state commission which had been scheduled a few days ago was canceled due to schedule conflicts by government representatives preparing for a national Communist Party conference this weekend.

The upcoming conference may limit Jaruzelski's maneuvering room in the crosses crisis, since any concessions to the church would likely be turned against him at the conference by party hard-liners already angered by the church's gains in influence over the past few years.

The primate and his bishops also apparently feel they cannot afford to back down on a matter of such emotional significance for many Polish Catholics. At the same time, defiance of the government's position risks the many privileges—permission to build new churches, to broadcast Sunday mass on state radio, to expand pastoral programs and discussion groups—which the Polish church enjoys, unlike religious institutions in other Soviet Bloc states.

While classes at the agricultural school remain indefinitely suspended, authorities are putting pressure on local residents. The Rev. Stanislaw Bienko, a Garwolin priest whose sermons have encouraged the students to stand by their protest, was summoned for questioning Wednesday morning at the Garwolin police station.

Teachers at the agricultural school are being called before a review board in a verification process started last week, according to sources in Garwolin.

The parents of some students in their last year at the school were urged by the principal yesterday to sign a statement pledging that their children would abide by school regulations and acknowledging the existence of sanctions for those who violated the rules. The parents refused to sign, as they also did last week when ordered to accept another document recognizing the school's secularism.

Yesterday, officials from the Education Ministry were reported to have visited two other high schools in Garwolin to present to students the state's position against crosses in the classroom. At one school, the students reacted by singing religious hymns as the officials left the meeting.

Urban, explaining the government's position, said, "State schools in Poland were, are and will remain secular institutions according to the law on the school system. It follows from the secular character of the state schools that religious symbols should not be hung up in such schools. This position of the government has always been so and will remain unchanged."

Yet the government's spokesman seemed intent on avoiding any threat of force. "I do not mean to say that we intend in an abrupt and radical manner to restore the correct character to every school," Urban declared. "This is up to the local teachers and authorities to solve peacefully and, whenever necessary, in consultation with representatives of the local clergy."

He said the government takes a more permissive view on the display of crosses in hospitals. Patients may place religious symbols above their beds, he explained, if fellow patients don't object.

Urban said the secular character of state institutions would be underscored in a new law governing church activities now being drafted in consultation with the episcopate.

Questions for Discussion

1. How would you describe the Marxist-Leninist critique of the church and religion?

2. How specifically were the limited religious liberties in Russia, set down in the Decree on Separation of 1918, annulled with the Laws on Religious Associations of 1929?

3. As we have seen, in Russia and other totalitarian nations, the separation of church and state has not meant that the state remains neutral in matters concerning religion. Has the state remained neutral in those democratic countries which have separated the church from the state? Can it be neutral? Should it be neutral?

4. As we have seen in Reading 31, much of the anti-religious propaganda in Russian schools is crude and shows a shocking failure to understand mature and more intelligent expressions of religious belief and practice. Is the general failure to teach about religion in the U.S. public schools likely to lead to a comparably crude or, at least, to poorly informed views of religion by our young people? If not, why not?

5. Solzhenitzen has criticized the leaders of the Russian Orthodox Church for their subservience to the state. However, Father Zheludkov supports their actions as the only policy which is capable of saving the church from destruction. Which side would you take in this debate? Why?

Suggestions for Further Reading

On France:

McManners, John. *Church and State in France, 1870-1914*. London: S.P.C.K. for The Church Historical Society, 1972.

Phillips, Charles Stanley. *The Church in France, 1789-1907: A Study in Revival*. 2 vols. New York: Russell & Russell, 1966.

On the Soviet Union and Eastern Europe:

Beeson, Trevor. *Discretion and Valour: Religious Conditions in Russia and Eastern Europe*. Philadelphia: Fortress Press, 1982. An up-to-date, readable, factual report.

Bociurkiw, Bohdan and John W. Strong, eds. *Religion and Atheism in the U.S.S.R. and Eastern Europe.* Toronto: University of Toronto Press, 1975. A collection of essays by experts.

Bourdeaux, Michael. *Opium of the People: The Christian Religion in the U.S.S.R.* London: Mowbrays, 1965.

------. *Religious Ferment in Russia: Protestant Opposition to Soviet Religious Policy*, London: Macmillan, 1968. These accounts are by one of the most knowledgeable students of religious affairs in Russia.

Chapter Nine

Cooperation Between Church and State: The Example of Education in Europe

Do these examples of educational collaboration have any relevance for the United States?

The typology employed in this book has described a variety of relations between church and state, both in theory and in practice, including types of "establishment" and examples of "separationism." In this concluding chapter we look at models of church-state **cooperation** in three European countries. For the purpose of economy and because of the intrinsic interest of the subject, we will focus specifically on contemporary cooperation in the field of education.

Until this century, the education of children in England, France, and Germany was almost entirely under the jurisdiction of the church. This began to change in the 19th century, but it is only relatively recently that free, compulsory secondary education has become primarily the province of the secular state in Europe. In the United States, the constitutional guarantee prohibiting the establishment of religion has resulted in what many believe to be narrow and restrictive policies regarding state support of religious schools and religious education and observance in the public schools. Examples would include the legal prohibition against religious instruction, Bible-reading, and prayers in the schools, and the court's rejection of release-time religious instruction in public school buildings. However, other Americans feel otherwise and consider the approval of public tax-supported bus transportation and free lunches for parochial school children, as well as Federal loans to parochial schools, to be a dangerous breach of the "wall of separation." These issues are discussed at length in the other books in this series. Our point in mentioning them here is simply to call attention to the contrast with the situation in Europe. One finds in a country such as France, despite its legal separation of church and state and its traditional left-wing, radical opposition to the church, significant state support of parochial schools. Similarly, in England and Germany, where church attendance is declining and secularization has advanced far beyond the situation in the U.S., one finds remarkable cooperation between the state and the church in the administration of the nation's schools. The policies and programs of the three countries are worth comparing with the American experience.

England

The contemporary history of church-state relations in the field of education in England begins with the Elementary Education Act of 1870. The Act was the first statutory recognition that the state had direct responsibility for the nation's elementary schools. One contentious issue surrounding the debate was religion: state financial support of church schools and religious instruction in the public schools. Parliament faced two options: the establishment of an entirely secular state system, independent of the religious schools, or a "dual system" of church and state schools. The latter compromise prevailed. Both church and state schools were supported by public funds. Local boards of state schools were free to choose not to include religious instruction in the curriculum – but very few elected this option.

The compromise stipulated that in state schools "no religious catechism or religious formulary which is distinctive of any particular denomination shall be taught in the school." However, in fact this meant that a non-sectarian "common Christianity" – which allowed the teaching of the Bible, the Lord's Prayer, and even the Apostle's Creed – became the norm of religious instruction. The 1870 Act also required implementation of a "conscience clause" exempting children from religious education and observance at the request of their parents. And to ease the situation for dissenters, the law required that religious instruction be given only at the beginning or at the end of the school day.

A further step in cooperation was taken with the Balfour Education Act of 1902. All secondary education was placed under local government authorities or county councils. The church schools were thereby drawn into the national system; as a result, denominational religious instruction was to be paid for by government grants and taxes. Conversely, the county councils now controlled the secular instruction in the church schools. The earlier "conscience clause" remained in effect to protect children not electing religious instruction in the church schools. Similarly, religious education in the state, or "county" or "council" schools, as they came to be called, was elective. However, the local authority, as it thought desirable, could permit "any religious instruction" to be given, provided "no unfair preference" was given to any denomination. The difficulty in complying with this latter protection was considerable—a point not lost on the Nonconformists who saw this as an enormous advantage to the Established Church, especially in the smaller towns and villages.

The period between 1870 and 1914 was one of almost continuous controversy over the religion and schools issue. However, secularist demands for a clear separation of religion and the state schools had little following. Compromise and cooperation were again to guide policy and practice. Between the two World Wars the role of religion in the schools was strengthened by adoption of the idea of an "agreed syllabus" of non-sectarian religious instruction, approved by the Local Education Authority. (See Reading 36 for an example of such a syllabus.)

Cooperation between the state and the churches in England is most evident in the Education (Butler) Act of 1944. The Government well recognized that 92% of the voluntary or church schools (mostly Anglican and Roman Catholic) were over a half-century old and greatly in need of repair and assistance. It was agreed that these valuable national institutions should not be abolished; rather, they should be offered state financial assistance, accompanied by corresponding public educational standards and controls, although critical autonomy would be assured. First, the 1944 Act required two things: 1) that "the school day in every county school and in every voluntary school shall begin with collective worship on the part of all pupils"; 2) that "religious instruction be given in every county school and in every voluntary school." As before, the Law provided for a "conscience clause" and in the county schools worship was to be non-denominational and religious education taught according to an agreed syllabus approved by the local educational authority.

Beyond these general requirements, the Law also provided financial support for two types of **denominational** schools, as described below:

> 'Voluntary aided schools' were to continue denominational teaching according to their trust deeds, provided that they could themselves put up half the costs required to bring their buildings in line with the Education Ministry's required standards. The Local Authorities would furnish all other expenses. 'Controlled schools'—those unable to raise half their building costs—were to open two-thirds of their management bodies to representatives appointed by the Local Authority; they were to be fully maintained, and were allowed to teach religion only according to the 'agreed syllabus' prescribed by the Local Authority for its own schools.[1]

In 1959 the government's cooperation with the churches was once again fully demonstrated. The mounting financial burdens of the church schools was again met with new state support: the grants for aided schools was increased from 50% to 75% and new grants of 75% were provided for the building of new church schools. In 1967, following the inauguration of the new "comprehensive schools," both of these grants were increased to 80% with hardly any dissent in Parliament. Interestingly, more state financial support now goes to the Roman Catholic Church for its schools than is allocated to the State Church of England for her schools. The cooperation between the state and the churches in the field of education in England is quite remarkable, although not exceptional in Europe. One historian has remarked:

> It would appear that the possibilities of collaboration between church and state are greater now than at any time [since 1800]. The churches have established a good deal of harmony among themselves and so made it easier for governments to give the assistance which, it is almost universally recognized, will be increasingly required.[2]

Germany

As in England, few issues bedeviled German domestic politics in the late nineteenth and early twentieth centuries more than did secondary education. It was a contentious issue. Nevertheless, resolution of the question reflects the same compromise and cooperation as in England. Such cooperation between the West German government—both the Federal and the individual Lander or states—and the church exists to the present day. Until the Weimar Republic (1918) education was largely in the hands of the church; since then, "the entire educational system," as decreed by the Weimar constitution, "is under the supervision of the state" (7.1). Never at issue, even during the Third Reich (1933-45), was the question of religion in the curriculum of the state schools.

The fundamental question in this century has been whether religious education in public schools should be denominational (confessional) or mixed-denominational. This issue has been especially heated in those states and cities where the populations are an almost equal mixture of Protestant and Catholic and also with large Jewish populations. Even early in the nineteenth century, *Simultanschule* (mixed denominational schools) were introduced in some states to resolve this problem. The mixed denominational school provides religious instruction in the same school and at the same time but in different classes according to the student's own confession, and by a teacher representing that confession. Likewise, the teaching staff of the school is appointed in numbers roughly proportionate to the religious affiliation of the pupils. The rest of the curriculum is, however, strictly non-denominational. Other states have maintained confessional schools (*Bekenntnisschule*) exclusively. Later *weltliche Schule* or secular schools were instituted in a few areas to meet the demands of a non-confessional minority. In no case, however, was there a separation of church and state in education.

In this century the Socialist and left-wing Democratic political parties have, on occasion, attempted separation in education, or, more often, sought to make the mixed-denominational school normative, but the more conservative parties have vigorously defended the confessional school. As a result, a general compromise has prevailed. This is reflected in the Weimer Republic's "working arrangement" of 1919 in which the triple educational system was accepted. The Weimer Constitution essentially left the determination of educational policies to the states and insured "parents' rights" by decreeing that "public elementary schools of a given denomination or world philosophy must be established if the community so requests . . . ." (146). This protected the rights of state denominational schools. However, an earlier paragraph in the same article insisted that "the public school system must be developed organically" and that therefore "the guiding principle is the multiplicity of vocations [confessions]." This in turn insured the perpetuation of the mixed-denominational school where it was approved.

The Weimar Constitution did require that "religious instruction be a regular teaching subject, except in the secular schools" and that it is to be "given in accordance with the fundamental principles of the religious organization concerned" (149). The Government also insured the continuation of all confessional faculties of theology in state universities.

Despite the efforts, often successful, of the Nazi regime to curtail religious instruction and to inculcate Nazi racial and national ideology into the school curriculum, the legal status quo essentially remained through the period 1919-1945—with one very significant change. At the beginning of the Third Reich 83% of the secondary schools in Germany were state supported confessional schools. However, the mixed-denominational schools became dominant during the Nazi period. They were, however, called "community schools" and the religious instruction became increasingly "neo-pagan," in the spirit of Nazism.

After World War II the Nazi perversion of the educational system was suppressed and church-state relations in education were restored to the pre-Nazi period—that is, placed essentially in the hands of the states. This has meant that both confessional and mixed-denominational schools are approved if they meet certain state standards, and religious instruction is given according to the teachings of the pupil's own denomination. No doubt because of the Nazi experience, there is little interest in teaching a non-denominational form of religion. The feeling is expressed by one educator: "We know now . . . that every supra-Christian instruction is in truth less than Christian. 'Religion in general' in spite of its sentimental and wordy commendations, we know is without substance."[3]

The Constitution of the Federal German Republic decrees that "the entire educational system is under the supervision of the state" and, at the same time, asserts that "religious instruction forms part of the ordinary curriculum in state and municipal schools, except in secular schools" (7(1)(3)). In most states today four hours a week of religious instruction is given in the elementary schools and two hours a week in the middle and high schools. The Constitution includes, of course, appropriate "conscience clauses" assuring parents the right to decide whether their children will receive religious instruction and teachers that they will not be obliged to teach religion against their will. Private schools which offer instruction not available in a state school in the area are supported by state subsidies and are designated "private schools of a public type."

To summarize the situation in Germany in this brief fashion is not meant to imply that there are no problems in the implementation of the German plan. Students often do feel compelled to conform rather than be set apart. Church approval of teachers can mean the risk of job security for teachers who, for conscientious reasons, prefer not to teach religion but, in a small school especially, may be expected or needed to do so. There is also the problem of a growing pluralism within the German population. This is evident from a recent news release.

> The most serious issues facing religious educators in West Germany concern non-Christian students, especially the growing number of Islamic children. About 700,000 Islamic children, mostly from Turkey, attend West German schools. Authorities estimate that by 1985 one student in 10 will be Muslim. According to West German law, they have the right to religious education. Church and state authorities are wrestling with how to meet that need.[4]

Despite these problems, German church and state officials continue to work together in a cooperative spirit to provide religious education for every schoolchild requesting it.

France

Until the French Revolution (1789), the Catholic Church exercised a virtual monopoly over education in France. After the Restoration, the First Empire nationalized the school system but Catholic religious education continued in the public schools. However, around 1830 the state began to withdraw some of the Church's educational privileges. In 1828 the Jesuits were debarred from teaching and a century-long antagonism between church and state began. As a result, the Church initiated efforts to legalize private schools. These proved successful and private schools were legalized at the primary level (Guizot Law, 1833), the secondary level (Falloux Law, 1850) and the university level (1875).

Relations between church and state rapidly deteriorated after 1875, due largely to the fact that the Catholic hierarchy supported a return to the Monarchy. Between 1882 and 1906 cooperation ended with the imposition of a number of anti-church laic laws. For example, in 1882 primary education was made compulsory and secular. Religious education was removed from the public schools and priests were deprived of the right to inspect or supervise public and private schools. In 1886 instruction in the public schools was limited exclusively to the laity. In 1903, a directive from the Ministry of Education prohibited the display of religious emblems (crucifixes, statues, etc.) in public school buildings. The following year the ultimate act of secularization was taken when the Government forbade all members of religious orders to teach in any French school, public or private. The triumph of *laicisme*, or extreme anti-clerical government policy, ignited a bitter, intransigent Catholic opposition which split France and resulted in a period of unproductive political activity. Whatever the actual merits or faults of the laws secularizing public education, they proved politically unproductive.

Despite the French Law of Separation of 1905, relations between church and state in the field of education began to improve before World War I. Both sides showed a new willingness to moderate their extreme demands. Concessions and cooperation once more became possible – although deadlock was, perhaps, more often the case. The move away from secularization was most evident during World War II, and the new Constitution (1946) of the Fourth Republic, while favoring secular schools, left open the possibility of state aid to children attending religious schools.

The modification of state policy was most clearly demonstrated with the passage of the Marie and Barangé Laws in 1951. The former allowed pupils the freedom to enroll in religious schools and to receive government scholarships – not unlike the procedure followed in our G. I. Bill of Rights. The Barangé law allowed the head of each family with a child enrolled in an elementary school to receive 1,000 francs (about two dollars) per child per trimester, the funds being sent directly to the school authorities. Grants to religious schools were to be used exclusively to equalize teachers' salaries with those in the public schools.

The most dramatic change in state policy came with the Debré Law of 1959 (see Reading 37). The Law was not only an effort to improve primary and secondary education but, perhaps more importantly, to end the segregation of French children into two suspicious and often hostile worlds represented by the public and private school. What the state offered to the private schools was a flexible plan of four options. The first alternative was to maintain a complete independence from the state – the choice of many schools. A second option allowed the private school to be thoroughly integrated into the public school system. Few schools selected this plan. The great majority of schools chose to enter into one of two mutually beneficial contracts with the state.

The framer's of the Debré law considered the "contract of partnership" to be the most desirable educational arrangement and the one, they hoped, which would ultimately become the norm for private schools. Under the "contract of partnership" the private school is required to adopt certain educational and administrative standards of the public school system, in return for the government's assumption of financial responsibility for the school. The contract requires, for example, that the school adopt the pedagogical methods and the core of the curriculum in effect in the state schools, and that the religious school administration and the teachers of those classes under contract meet the qualification standards of teachers in comparable positions in the public schools. The contract requires that the school be tuition-free for regular day students.

While the teachers in contract schools became in effect government employees, the freedom of the private school is protected by the guarantee that the teachers must be approved by the school authorities once their qualifications have been certified by the state. Also, the classification and ranking of teachers is carried out by a commission made up of representatives of both the public authorities and the private school. Government financial support includes both teachers' salaries (on the same scale as that applied to public school teachers) and the general operating costs of the school (applicable only to the secondary schools). Grants for operation are determined by the number of students in the school and is based on the same per-student support applied to the public schools.

The government recognized that many private schools were not prepared to enter into so close an alliance with the state, considering the accompanying loss of autonomy in certain areas of the curriculum and administration.For this reason, the government offered a second form of cooperation, called the "simple contract," one which is temporary and which is meant to give the school time to determine whether it wishes to take one of the other three options on a more permanent basis. The "simple contract" does not require that the school curriculum strictly conform to the state's standards and procedures. For example, matters of scheduling and the course of study are left to the school, as long as the disciplines taught are not contrary to the general goals and principles of state education. Textbooks, for example, cannot be used which have been rejected by the Ministry of National Education. Schools under the "simple contract" must be capable of preparing students for the official national examinations.

"Simple contract" schools are allowed to maintain their own administrative structure and rules of governance. Furthermore, the teachers are not state employees; they are both engaged by and contracted to the private school. They are certified by the state after being engaged and their state certification ends when their school contract is terminated. Schools on "simple contract" receive from the state financial support for the salaries of the teachers but do not receive funds to cover operating expenses.

The administration of the Debré Law at first met with considerable opposition and resistance tactics from secular parents' associations and public school teachers' unions, especially the National Committee for Laic Action. However, the opposition subsided, only to be revived recently with the inauguration of the Socialist Government under Francois Mitterrand (see Reading 38). Mitterrand vowed to incorporate religious schools into the public system but a fire storm of protests has tempered his efforts. Both sides have once again agreed to negotiation and concessions, and the freedom of the religious schools appears to be assured. The private schools have in the past twenty-five years responded positively to the Debré Law; initially 90% of them requested its benefits and about 90% of those schools met the state's requirements. Of the latter group, 90% chose to enter into a "simple contract" with the state.

The opponents of the Debré Law have focused, of course, on the fiscal implications for the government. State support of religious schools—the vast majority of them maintaining their essential independence—initially raised the national education budget 15%, or about 100 million dollars. Since then costs have soared. However, the Law raised other concerns about state support of religious institutions in a nation in which there is a constitutional guarantee of separation of church and state—concerns similar to those voiced by Americans opposed to state aid to parochial schools. For an American educator's reply to the kinds of concerns raised by opponents of the Debré Law, and any possible American equivalents, see Reading 39. This same writer concludes that

> for Americans the really valuable lesson of the contract regime probably lies not in the particular details or overall administrative structure, but in the attitude that motivates so many of the regulations. The spirit is at once irenic, creative, responsible.... The presence of alternative ways of trying out the relationship is most important here.[5]

The West European democracies have indeed shown both boldness and creativity in dealing with church-state relations in the field of education. Can we in the U.S. learn anything from them, or is the American situation so different as to make this impossible or impracticable?

Notes

[1]E.R. Norman, *Church and Society in England, 1770-1970* (Oxford: Clarendon Press, 1976), p. 401.

[2]James Murphy, *Church, State, and Schools in Britain: 1800-1970* (London: Routledge & K. Paul, 1971), p. 126.

[3]Helmuth Kittel, quoted in Ernst Helmreich, *Religious Education in German Schools: An Historic Approach* (Cambridge, MA: Harvard University Press), 1959, p. 250.

[4]*The Lutheran* (January 18, 1984), p. 20.

[5]Robert M. Healey, *The French Achievement: Private School Aid: A Lesson for America*. (New York: Paulist Press, 1974), pp. 67-8. I am especially dependent on Healey for the details of the Debré Law.

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Reading 36: England: An Example of Religious Education in State Schools

From *Patterns for Religious Education. Incorporating the Cheshire Agreed Syllabus of Religious Education* prepared by the Cheshire Education Committee. London: Edward Arnold, 1978. Reproduced by permission of the publisher.

This Cheshire County Agreed Syllabus of Religious Education is rather typical of the syllabuses used in county or state schools and private controlled schools throughout England. It is the work of the Cheshire Education Committee and an ecumenical board of advisors.

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From "The Cheshire Syllabus of Religious Education-1976"

Religious Education occupies a special place in the curriculum, and the teacher of Religious Education must always be sensitive to those pressures that particularly affect his subject. They include:

1) The social and cultural background of his pupils, particularly relating to religious beliefs and practices in the home.
2) The values and attitudes transmitted within the school community—the ethos of the school should be consistent with the content and approach of Religious Education.
3) The distinctive nature of the subject-matter of Religious Education, and the consequent types of learning-experience appropriate to each age-level.
4) The need to balance the imparting of knowledge about religion with the need for pupils to explore, through Religious Education, attitudes, feelings and behaviour which derive from a religious view of life.
5) The changing patterns of the curriculum, especially as they involve integrated approaches.
6) The nature of the teacher's own religious commitment.

In order to allow the teacher maximum freedom to teach Religious Education in the way best suited to the needs and interest of a particular group of pupils, this syllabus is presented as:

a) A set of principles on which the teaching should be based.
b) Suggestions for themes through which to approach the teaching of Religious Education, which may be handled at greater levels of abstraction as the pupils get older.
c) Examples of ways in which themes may be realised, in units providing sequences of lessons, with various age-groups.

Since we have in Cheshire, Primary, Infant and Junior Schools; First, Middle and High Schools; and all types of Secondary Schools, including a Sixth Form College, it has been thought desirable to divide the syllabus into three age ranges—The Early Years (5-9); The Middle Years (9-13); Middle and Late Secondary Years (13+).

I. THE EARLY YEARS (5-9)

The young child's ability to reflect the behaviour expected of him might suggest that acute religious understanding is a desirable and attainable educational objective at this stage. These years should be seen as a preparatory stage to Religious Education during which the teacher aims to help the child to begin to appreciate what religion is about, and to make a personal response.

From this understanding of the young child, it is important to identify and include the following aspects of Religious Education:

i) The school community should be supportive towards children as they seek to work out their fears and problems.
ii) Children should be helped to form meaningful relationships with other children and adults.
iii) Throughout this stage children should be helped to become aware of self and of other people, to enjoy life and to act with love and consideration.
iv) The child's natural sense of awe and wonder should be fostered.
v) Opportunities should be made to create a foundation for the subsequent fuller exploration of the religious dimension of life by fostering the ability to understand and think about religion as a unique mode of thought and awareness.

Religious Education should take place within the context of carefully chosen themes rather than by the introduction of isolated special lessons unrelated to the particular needs, interests, experiences and abilities of the children. Two main types of thematic work are appropriate for use in this age-range:

1. *Human Experiences*

These are designed to provide opportunities for each pupil to reflect at depth on his own experience and, therefore, each one will seek to explore life through the child's own experiences. Teachers must ensure that, by the careful planning of activities and materials, the child is encouraged to deepen his experience, rather than have a number of shallow experiences caused by too rapid a turnover of topics. Many of these themes will arise from the everyday life of the school as incidents occur which will highlight human experiences, such as sadness, loneliness, joy, awe, wonder, mystery, excitement, fear, quarreling, aggression, jealousy, pain, disappointment, courage, kindness, generosity and greed.

Whilst it is possible to respond to a spontaneous situation, teachers are advised to plan definite topics, involving an allocation of time and appropriate individual and/or group work. Suitable themes include:

a) Home and School – Myself, Homes and Families, Birth, Death, Our Bodies, The Senses, How we Communicate, Games, Songs.
b) The Wider Environment – The World Around Us, Seasons of the Year, Shapes and Patterns, Sounds, Time, Food, Water, Colours, Clothes, Textures, Animals and Pets, Plants and Flowers, Flight, Travel, Holidays, Buildings.
c) Relations with Other People – Sharing, Caring for Others, Gifts and Giving, Waiting, Friendship, People Who Help Us, People and their Jobs.

2. *Religious Stories and Rituals*

These themes aim to help young children to become aware of the religious dimension, and it is important to remember that any understanding of religion involves the feelings and emotions as well as intellectual concept formation. Therefore, at this age, teachers should be concerned with the feelings which underlie religious beliefs and practices, rather than the theological and ethical content arising from religious doctrines and creeds. Clearly many teachers will wish to link this theme with (1) where suitable, using stories from the Bible and other sacred writings, participation in acts of worship, and through drama, films and recordings. Suitable themes include:

a) The Christian Festivals – Christmas, Easter, Whitsun, Harvest.
b) Feast and Festivals based upon a common theme, for example 'Light'.
c) Stories from religious traditions.
d) Simple ceremonies and ritual, including hymns and prayers linked with Assembly.

II. THE MIDDLE YEARS (9-13)

The foundations laid during the Early Years will be consolidated in the middle years, but again it must be stressed that, to be successful, Religious Education should take place within schools which foster a caring concern both for their own members and the wider community outside.

In the Middle Years Religious Education should have the following aims:

i) To continue the exploration of the religious dimension of life.
ii) To provide opportunities for developing an awareness of religious experiences.
iii) To help pupils to experience (i) and (ii) by careful reference to the Christian heritage in particular, and other world faiths where appropriate.

It will be recognised that these aims are an extension of those defined for younger children, and consequently it is recommended that teachers continue the thematic work started in that age range whilst introducing new facets as the pupils develop. Two additional types of thematic work will be found suitable for this age-range:

3. *Human Questions*

During the late junior and early secondary state, many children begin to appreciate and voice questions concerning themselves and their world. As their horizons broaden, it is essential that opportunities are provided for the development of moral insight so that children can explore and talk about various situations and the people involved in them. Through such work it is intended that children should begin the development of such crucial skills as:

a) The ability to discern the consequences of certain attitudes and actions.

b) The awareness of the need to have principles for living.

c) The appreciation of the link between beliefs, values and attitudes, and behaviour.

d) The sympathetic understanding of other people's needs, feelings and interests.

e) The growth of self-awareness.

Obviously, within Religious Education, it will be necessary to demonstrate the significance of a religious belief and its effects. Thus the questions being discussed may be shared by many peoples and cultures, but the answers given may vary according to different religious traditions and influences.

Some of the themes concerned with man's situation introduced in the Early Years will provide valuable material for further development, but additional topics include:

a) Ethical Issues and Responses – Love, Freedom, Good and Evil, Change, Justice, Suffering, Jealousy, Greed, Prejudice, Forgiveness, Truth, Honesty and Courage, Diversity and Interdependence.
b) Biographical and Autobiographical Material – Characters from the Bible, including Joseph, Moses, Samuel, David, Ruth, Peter, Paul and from the life of Jesus, especially the events leading to his betrayal and death. It is necessary to avoid giving the impression that great religious figures all belong to the past, and people from modern times and varying cultures should be included too, as well as the use of fictional material and incidents from the children's own experiences.

4. *Religious Responses and Expressions*

These themes concentrate upon the ways in which man responds to the religious dimension of life, and how he expresses that experience and seeks to communicate that expression to others. Teachers should recognise the dangers of adopting authoritarian positions, and suggesting to pupils that some religious stances and opinions are right and others are wrong, when judged by the particular religious position of the teacher concerned. Therefore, as far as possible, care should be taken to select material from a variety of religious traditions, and teachers should endeavour to investigate responses from the point of view of an adherent of a particular faith. It is recognised that this is difficult; on some occasions schools will wish to invite visitors into the community. During this stage pupils will be expected to discover the importance of personal practices and responses of various religious groups, but this should not become an attempt to embark upon the systematic study of world religions. This theme will introduce a number of key ways whereby man expresses and communicates his religious awareness:

a) The significance of religious language, especially in myths, legends, allegories, poems, metaphors in prose and poetry.
b) The importance of symbolism in religion.
c) The use of various art-forms in the expression of religious feelings and insights, including painting, sculpture, music, architecture, drama, dance and mime.

Since many children no longer have direct links with a religious community some of the forms of religious expression may be outside their immediate experience. Therefore, it is recommended that the development of activities based upon (c) could provide the most appropriate means of introducing this topic. Also it is envisaged that teachers will make careful use of the Bible and other scriptures in order to show children the way in which evocative language is used to aid religious understanding. At this age-level, it is not proposed to deal with historical facts or differences of theological interpretation, but rather to help children to enter into the spirit of the language, or other form of expression, and to sense the religious faith and commitment behind the expression.

In order to cover this aspect of the syllabus, teachers should select from the following topics:

a) Personal Responses–linking with the biographical and autobiographical material used in (3) to demonstrate the importance of religion in many people's lives.
b) The Community–Home and Family, the Community of Faith as seen in various religions, particularly in Judaism, Christianity, Islam, Hinduism and Sikhism.
c) Holy Books–Scriptures as writings in which religious insights and understanding have been shared. The Bible–its form and message.
d) Key Words and Symbols–God, Father, Creator, King, Saviour, Friend, Servant, Sacrifice, Cross, Birth, Death, Gift, Forgiveness, Trust, Wine, Bread, Cup, Door, Sheep, Lamb, Life, Blood, Earth, Water, Star, Sun, Moon, Initiation, Baptism, Light, Darkness, Power, Spirit.

III. MIDDLE AND LATE SECONDARY YEARS (13 PLUS)

Until about the age of thirteen pupils should be mainly, but not exclusively, concerned with the acquisition of knowledge about man's religious tradition and the fostering of understanding of the concepts, feelings and actions relative to the religious dimension of life. During adolescence, the pupil will be ready to begin the process of evaluation both at the level of the claims of religion and at the level of his personal position and life-style. Therefore, the following aims are considered to be appropriate for this age-range:

i) To encourage awareness of religious issues and differences.
ii) To understand the contribution of religion to human culture, particularly through the Christian heritage of this country.
iii) To promote the capacity to make well informed judgements concerning religious beliefs, and alternatives to such belief systems.
iv) To help pupils to understand the nature of religious practices.
v) To show the practical consequences of religious belief.

In order to implement these aims, the themes previously identified for younger children should be further developed, although the necessary adjustments of levels will have to be made.

Human Experiences and Questions (Themes 1 and 3)

Pupils within the 14-16 age-range show a real concern for human issues, both close to them and within the world. Frequently this concern is expressed in a very limited way, and teachers will have to plan carefully in order to ensure that there is a balanced approach to sometimes controversial topics. When these topics are used in the Sixth Form, it is expected that pupils will be helped to assess the validity of different arguments and opinions on key topics. It should be stressed that at this level Religious Education should link with other departments in the school and utilise the skills of other members of the wider community. Essentially, pupils should receive sensitive help from teachers, who should be willing and able to explain their own position without reverting to unfair pressure. Nevertheless, when pupils ask for guidance they have a right to expect help.

Topics should be selected from the following categories:

a) Human Relationships–Friendship, Sex, Marriage, Families.
b) Contemporary Issues–'Pop' Culture, Mass Media, Drugs, Money, Conservation, Pollution, World Population, Racial Discrimination, Housing, Education, Work and Leisure, Community Relations, Community Service.
c) Moral Questions and their Consequences–Conflict, Protest, Violence, War, Law and Order, Rules, Freedom and Responsibility, Crime and Punishment, the Nature of Authority.
d) The Arts–Man's Expression of his Emotions through Drama, Movement, Dance, Prose, Poetry, Music, Painting and Sculpture.
e) Challenges to the Religious Way of Life–Science and Religion, Science and Technology, Non-Religious Philosophies and Systems, Materialism.

Throughout such topics, teachers must remember that within the context of Religious Education it is imperative that there is understanding of the social and moral attitudes which are characteristic of the adherents of the faiths and groups under discussion. A consensus based only on the statements of opinion made by pupils is not sufficient.

Religious Stories, Rituals, Responses and Expressions (Themes 2 and 4)

During the secondary stage all pupils should have an opportunity to experience a systematic study of religious literature, to be selected by the teacher, and actions associated with religious belief. In the same way, it is possible to return to topics such as language and symbolism at greater depth since older pupils will begin to appreciate at least some of the theology behind language and symbolism. It is expected that teachers will make full use of opportunities provided by the use of audio-visual material, drama and movement, visits to religious centres, visiting speakers, and not just concentrate upon the use of text-books describing these living topics.

Subjects suitable for this age-range include:

a) Christianity–The Life and Teaching of Jesus Christ, the Study of a Gospel, the Influence of Christianity in the World.
b) World Faiths–Key Figures of World Religions, the Origin and Development of the Major Religions, Contemporary Problems, including Multi-Faith and Multi-Cultural Issues in England.
c) The Religious Life–Religious Literature, Praying and Prayers, Worship, Devotions and Meditations, Conversion, Vocation, Initiation, Emotions and Feelings in Religion, Prophecy, Revelation, Witness, Enlightenment.
d) Ultimate Questions–Creation and Evolution, the Nature of Man, Meaning in Life, Pain and Suffering, Miracles, the Supernatural, Life after Death.

There is one significant new theme to be introduced at this stage:

5. *Teachings or Doctrines of Religion.*

By the age of 14/15 many pupils will have begun to think in abstract terms and to acquire the skill of considering hypotheses. Once pupils have these skills it is possible to commence an evaluation of the doctrines of a religion. Such work will depend upon the insights gained earlier, and should take into account alternative belief systems where relevant.

Two alternative modes of approach are recommended:

i) The identification of major concepts or teachings which are then studied comparatively, for example: The Nature of The Being of God, the Universe, Incarnation, Life after Death, Creeds of Faith, Good and Evil.
ii) The systematic study of the principal doctrines of Christianity and at least one other world religion:

a) Christianity–The 'Gospel', Kerygma (Preaching) and Didache (Teaching), the Trinity, the Church as the Body of Christ, the Sacraments, the Creeds.
b) Judaism–The Chosen People, the Messianic Expectations, the Torah, the Talmud.
c) Islam–The Six Basic Doctrines of the Quran, the Five Pillars of Faith, Hadith (Tradition), Concept of 'Surrender ' to God.
d) Hinduism–Brahman(the Supreme Soul of the Universe), Atman (the Soul), Mukti (Salvation and Nirvana–State of Bliss and Union with the Divine after Death), Yoga (forms include Knowledge, Devotion, Work, Mind and Meditation), Trimurti (a Triad of Gods–Brahma, Vishnu and Shiva), Avatars (Incarnations of a Divinity–Krishna and Rama).
e) Sikhism–The Guru Granth Sahib, the Ten Gurus and the Kakkas (5 K's), Karma and Re-incarnation, Religious Tolerance, the 'Good Life'.
f) Buddhism–Hinayana (Monk's Way of Salvation) and Mahayana (Salvation of all Beings), the Four Noble Truths, the Eightfold Path, Rebirth.
g) Other Religions–The Origins of Religion, 'Primitive Religions', e.g. Animism, Totemism, Tabooism; Chinese and Japanese Religious Traditions; the Occult.

Many pupils in this age-range will be taking public examinations, but schools should find it possible to select courses which enable them to adhere to the principles implicit in this syllabus at C.S.E., 'O' and 'A' levels. This syllabus could also become the basis for Mode 3 courses, if so desired.

* * *

Reading 37: France: The Debré Law

From *The French Achievement: Private School Aid: A Lesson for America* by Robert Healey. © 1974 The Paulist Press. Reproduced by permission of the publisher.

When Charles de Gaulle formed a government in 1958 he was determined to resolve, in a definitive way, the long-standing issue of the state and the religious schools. A majority in the National Assembly also favored a solution. Proponents of both private and public education had grave reservations about the law but, after long debate and amendments, the bill passed the National Assembly by 427 votes to 71, was adopted by the Senate and ratified on December 31, 1959.

Law No. 59-1557 of December 31, 1959

On the relations between the State and private schools.
(Official Journal of January 2 and 3, 1960)

The National Assembly and the Senate have adopted,

The President of the Republic promulgates the law of which the terms follow:

Article 1. Following the principles defined in the Constitution the State assures children and adolescents in the public schools the possibility of receiving an education suitable to their aptitudes with equal respect for all beliefs.

The State proclaims and respects freedom of education and guarantees the exercise thereof to regularly open private schools.

It makes every useful arrangement in order to assure freedom of worship and of religious instruction to pupils in public education.

In private schools which have signed one of the contracts provided below, the education placed under contract is subject to the supervision of the State. The school, while totally maintaining its own particular character, must give that education with complete respect for freedom of conscience. All children have access to it, without distinction as to origin, opinion, or belief.

Article 2. The supervision of the State over private schools that are not under contract to the State is limited to the qualifications required of directors and teachers, to compulsory education, to respect for public order and good morals, to sanitary and social precaution.

Article 3. Private schools may request to be integrated into public education.

Teachers in service when the request is accepted are either definitively appointed and reclassified within the ranks of public education, or continued in the capacity of contractuals.

Article 4. Private primary, secondary, and technical schools may, if they answer to a recognized educational need, request to enter with the State into a contract of partnership to public education.

The contract of partnership can cover either a part or the whole of the classes of the schools. In the classes making up the subject of the contract, the education is conducted according to the regulations and schedules of public education. It is entrusted, by agreement with the administration of the school, either to teachers in public education or to teachers under contract to the State.

The costs of operation of classes under contract are assumed under the same conditions as those of corresponding classes of public education.

The schools freely organize all the activities outside of the sector under contract.

Article 5. Private elementary schools can enter with the State into a simple contract according to which the certified teachers receive from the State their determined remuneration, depending particularly on their educational training and according to a schedule fixed by decree.

This system is applicable to private secondary or technical schools, upon recommendation by the National Committee of Conciliation.

The simple contract covers either a part or the whole of the classes of the schools. It entails pedagogical supervision and financial supervision of the State.

Schools can receive the benefits of a simple contract that fulfill the following conditions alone: length of operation, qualification of teachers, number of pupils, suitability of academic facilities. These conditions will be clarified by decree.

The communes can share, under conditions that will be determined by decree, in the costs of private schools that receive the benefits of a simple contract.

There is no infringement upon the rights that departments and other public officials receive from legislation in force.

Article 6. There is created in each department a Committee of Conciliation competent to form an estimate of every controversy arising from the application of the present law. Controversial recourse related to the signing of contracts provided by the preceding articles or to their execution may be introduced only after it has been submitted to the Departmental Committee of Conciliation.

A National Committee of Conciliation is instituted in conjunction with the Minister of National Education.

The National Committee gives its recommendations on the questions that are submitted to it by the Minister of Education referred to particularly by the departmental committees.

Article 7. Local communities can allow any child to benefit from social welfare measures without consideration of the school he attends.

Article 8. Law No. 51-1140 of September 28, 1951, will cease to have effect three years after the date of the promulgation of the present law. However, upon recommendation of the National Committee of Conciliation, and having taken into account the number of schools which by that date will have signed one of the two types of contracts provided above, the Government may prolong the application of that law for a supplementary period not exceeding three years. A decree will determine the conditions of the alotment of the educational grant deposited in the name of children attending classes placed under contract by virtue of Articles 4 and 5 above.

When the law of September 28, 1951, ceases to have effect, the resources referred to in Article 1621 *ter* of the general code of revenues supplying the special account of the Treasury will be continued. The funds which had been used for public schools will be at the disposal of the departments for the benefit of those schools. The funds which had been assigned to families of children attending the classes placed under contract will be put at the disposal of local communities to be used on behalf of the schools that have signed contracts in application of Article 4 or Article 5 above. Upon recommendation of the National Committee of Conciliation, payments equivalent to the educational allotment may be paid to schools not under contract and to schools under contract for those of their classes not covered by the latter. The affected schools will be subject to the pedagogical and financial supervision of the State.

Article 9. Contracts provided in Article 5 may be concluded only during a period of nine years beginning with the promulgation of the present law. However, the Government may, upon recommendation of the National Committee of Conciliation, prolong this regime for a supplementary period not exceeding three years.

Contracts in operation at the expiration of one or the other of these periods will produce their effects until their term.

Before the expiration of the regime of the simple contract, the National Committee of Conciliation will present a report on the application of the present law; the government will lay before the Parliament new provisions designed to prolong this regime, to modify it, or to replace it.

Article 10. For the period prior to the taking of effect of Law No. 55-359 of April 3, 1955, a decree in the Council of State will determine under what conditions and to what extent a recall of allotment will be able to be paid in the name of children less than six or more than fourteen years of age.

Article 11. Decrees made in the Council of Ministers, and of course the Council of State, will determine the measures necessary to the application of the present law. . . .

The present law will be executed as a law of the State.

Done in Paris, December 31, 1959.

C. DE GAULLE

By the President of the Republic:

The Prime Minister,
Minister of National Education pro tem,
Michel Debré

* * *

Reading 38: France: Renewed Conflict Over The Schools

From *The Christian Science Monitor*, 9 March 1984. Reproduced by permission of William Echikson.

The following article by William Echikson reviews the recent church-state conflicts over religion and the schools in Europe. Particular attention is given to the situation in France between the Socialists of the Mitterrand Government and the proponents of the private schools.

* * *

"West Europe's Church-State Tussle Centers on Schools"

This country that loves to demonstrate has just seen one of its biggest rallies ever. It echoed the great church-state battles of the 19th century.

Amid a sea of banners saying, "Let our free schools live" and "Our taxes for our children," more than half a million people descended on Louis XIV's chateau in Versailles. Last Sunday's protest climaxed a month-long, nationwide campaign denouncing the Socialist government's plans to revise the status of the country's 10,000 private schools, most of them Roman Catholic.

But the renewed warfare between church and state over control of schools is not confined to France. Throughout southern Europe, socialist governments are battling to reduce the Catholic Church's power by loosening its control over education.

In Italy, Prime Minister Bettino Craxi recently revised the country's Concordat with the Vatican, stripping Catholicism of its position as Italy's official religion. Parents no longer must ask for a child to be exempted from religious education. Instead such education will now be offered only if requested.

The change does not threaten the status of Roman Catholic private schools, and it has not provoked widespread public discontent. But many Catholic educators are grumbling that religion will now be ostracized from the schools.

Spain's Socialist government faces stronger opposition in its attempts to cut state subsidies to church schools and end mandatory religious education. About 150,000 protesters jammed Madrid two weeks ago. In parliament, the Conservative Party is filibustering the reform with 4,160 amendments that fill seven large boxes and weigh five kilograms (11 pounds).

Yet the most heated church-state struggle is taking place in France, the most modern and least religious of the three countries. Socialist President Francois Mitterrand is walking a political tightrope. He cannot afford to alienate the masses who marched in Versailles. At the same time, he must satisfy his Socialist militants, many of them teachers, who say the state has no business funding religious schools.

The struggle between religious and secular schools dates from the 19th century and has always symbolized France's cleavage between right and left. Only such heavy history can explain why it continues to ignite fierce passions.

Catholic priests monopolized primary education until 1880. Then, armed with the slogan of *ecole libre*, or free school, the left succeeded in creating free, compulsory public schools.

Jules Ferry, the powerful radical premier, banned Catholic schools entirely in 1901, though subsequent Third Republic governments allowed them to reopen. Steadily the parish institutions grew stronger, particularly since 1959, when President Charles de Gaulle passed a law assuring the schools of government funding if they adhered to the minimal requirements of the state curriculum.

Today, the church schools educate about 1 in 6 of France's 12 million pupils. In deeply religious areas such as Brittany, they are often the only schools available.

Francois Mitterrand has opposed the 1959 law, vowing to change the system if he came to power. During his 1981 election campaign, he pledged to incorporate religious schools into a "large, unified, and lay public service."

After his victory, he proposed to increase government control over the religious schools. The Catholic backlash was immediate. "Save the schools" rallies began.

Not wanting a political spectacle, in 1982 Mitterrrand opened negotiations with Catholic school representatives. Instead of shutting down the religious schools, he proposed only to appoint government administrators and establish nationwide qualification standards for teachers.

The church was not appeased, however, and the talks stalemated. Finally, under pressure from its militants, Mitterrand set an informal deadline of this spring for change.

The Catholics again responded by calling out their troops—this time with even greater success, as the Versailles march illustrates. Undoubtedly, the Catholic cause is popular. Polls show that nearly 70 percent of French families want to retain the choice to send their children to private school.

This choice often is not religiously motivated. In fact, polls show that religious observance has fallen by one-third in the last decade. But as in the United States, many supporters of Catholic schools argue that the private institutions provide higher educational standards and tighter discipline than public schools.

The net result has been a political disaster for Mitterrand. No longer does the left look progressive arguing for "free schools." Now it is the Catholics—and conservative politicans—who argue that their schools ensured freedom of choice.

Jacques Chirac, neo-Gaullist leader and mayor of Paris, for example, said the reform would "lead to the suppression" of a "fundamental liberty in this country."

Suggesting that a national referendum be called, he denounced "the hold of the Socialist-Communist coalition over the brains of our children."

Meanwhile, the government's stiff austerity program is running into angry opposition from a broad array of interest groups.

Last week, coal miners marched through Paris to dramatize their opposition to cutbacks in state subsidies.

Thursday the 3.5 million public service employees stalled rail, subway, and air traffic as they struck for a day demanding cost-of-living increases. And with the image of their paralyzing roadblocks still fresh, the testy truckers resumed their negotiations with the government over tax breaks on diesel fuel.

In response to these pressures, the government tried to calm the school war. Mitterrand wrote a conciliatory letter to rightist senators. Some influential Socialists, including party leader Lionel Jospin, even suggested postponing the school reform debate beyond parliament's spring session.

"One has to take into account of the demonstrations, past and future," Mr. Jospin said last week. "Since the government has priority objectives on the social and economic front, it should concentrate on those issues."

But it is unclear whether the government will heed this advice. Jospin is not a member of the government, and Mitterrand cannot postpone the debate without risking the wrath of the secular school movement—itself capable of mustering several hundred thousand demonstrators in the past.

"An eventual retreat by the government on this problem could ultimately lead the left out of power," warned Michel Bouchareissas, general secretary of the National Lay Action Committee. "It would lose the support of its most active militant campaigners."

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Reading 39: U.S. Response to the Debré Law

From *The French Achievement: Private School Aid: A Lesson for America* by Robert Healey. © 1974 The Paulist Press. Reproduced by permission of the publisher.

The following essay, by an American Protestant clergyman and educator, addresses the major arguments against the Debré Law and possible American equivalents and seeks to show that, in the case of the Debré Law, they have proven groundless.

* * *

"Unfounded American Fears"

Although the news created no great stir in the United States, the enactment of the Debré law did not go unnoticed. The wire services carried articles summarizing its provisions most briefly. A few months later *The Christian Century* carried an article describing those provisions a bit more in detail, as well as summarizing briefly some of the forces that had brought about this change in French policy. Having recounted a few of the immediate reactions in France, its author then made the following remarks:

> It is interesting to try to predict the results of application of its provisions.... One result of the law is bound to be the rebirth of bitter academic warfare, an inevitable consequence of subsidizing confessional establishments. Then, too, free institutions, financially dependent on the state and under its control, will be free only in name. Catholic students will have no motivation to study in the secular schools, which will be abandoned to Jews, Protestants, and atheists. Thus the law will help create a profound division in the instruction and formation of youth. Finally, if private instruction becomes less expensive to the nation than public instruction, because of the ridiculously low salaries with which private school teachers are satisfied, there is considerable risk that the quality of instruction will decline.

This statement is important to us for two reasons. First, with admirable economy it touches in turn on each of the major theoretical arguments made concerning the practical consequences of government aid to private schools as set forth by those who oppose such aid. Second, the evidence produced by almost a decade of application of the Debré law contradicts every one of these dire predictions. The prophecies proved false.

The matter would be academic were it not for the fact that the same gloomy prognostications continue to be made repeatedly concerning the United States of America. Such charges are not to be taken lightly. If this description of future consequences is correct the American people would be foolhardy to provide aid to private schools, and especially to parochial or other religious day schools. Unfortunately, forecasts of this kind are not subject to proof or disproof in advance of the outcome of events. The experience of others, however, can show us what results may be likely in our own case, especially if we observe certain precautions. It is therefore quite in order now to analyze the quotation given above, comparing it sentence by sentence with what actually developed in France.

"One result of the law is bound to be the rebirth of bitter academic warfare, an inevitable result of subsidizing confessional establishments." To keep the record straight we should first note that this predicted rebirth blithely overlooks one important actuality: the "bitter academic warfare" (if such it can be called) was already an enduring fact of life throughout the whole of the Fourth Republic. Furthermore, among the factors contributing to this state of affairs were the pressures experienced by French private schools and their teachers, first with no government aid whatever and later with the decidedly minimal assistance provided by the Marie and Barangé laws. Indeed it was the actuality, not the possibility, of division between the two systems of education that the Lapie commission considered to be one of the most serious problems then facing the nation. One major purpose of the commission's recommendations was to solve this problem before it split the country permanently.

How effective a solution has the Debré law proved to be? On the whole it has done surprisingly well. To be sure, as we have seen above, the initial reaction especially of the avid supporters of the public schools was a great deal of righteous indignation which made its presence known noisily in many different quarters of French public life. A counterpart to this was the protest of those partisans of private schools who felt the law's provisions were insufficient or its requirements too severe. However, despite the continued existence of pockets of hard-core resistance from which such catch words as "the rights of parents" or "public funds for public schools" can still be heard, the majority on both sides has apparently relinquished extreme, theoretically ideal claims. The wave of righteous indignation had spent itself by the middle of 1962 and was succeeded by a period of gradually increasing calm. The members and officials in the national system of education recovered from their state of shock, got used to the Debré law and since then have conscientiously discharged their responsibility for its application. The law's provisions for a wide variety of agencies and organizations serving as channels of communication between representatives of the two educational systems, and especially the appearance of public education inspectors in private institutions, have repeatedly resulted in an exchange of insights leading to fruitful and mutually beneficial dialogue between teachers of both types of schools. Representatives of both groups have expressed the cautious but confident hope that he warfare now is over because an acceptable compromise, a *modus vivendi*, has been reached.

"Then, too, free institutions, financially dependent on the state and under its control, will be free only in name." This must mean that if church-related and religious day schools accept state aid they will therefore be legally prohibited from any serious treatment of the religious dimensions of education. When words such as these are uttered by parties who have been consistent opponents not only of aid to private schools but of the private schools themselves, the warning may be nothing more than crocodile tears. Nevertheless, this prediction also expresses a genuine apprehension on the part of many of the advocates of private education. As such it finds its counterpart in another serious concern of many responsible citizens, that public funds be used to provide education for all children, that schools receiving state support be truly open to pupils of all religious persuasions who may attend class without risking offense to belief or conscience. We have observed the efforts made by the framers of the Debré law to safeguard both the particular educational quality of the school and the conscience of the individual pupil. We have also noted that the vast majority of private schools, understandably hesitant about committing themselves to a permanent relationship with the state, chose the simple contract as a kind of trial marriage. What has happened since?

The evidence would indicate that the government has shown itself to be genuinely concerned to preserve the distinctive educational character of private schools under contract, and that the French state has no intention of using its prerogatives to exercise authoritarian control over these institutions. Rather, according to all reports(even by those who to this day cannot allay their suspicions that the hidden purpose of the Debré law is nationalization of private education), government representatives have been invariably cooperative and understanding. Reassurance about government intentions, incidentally, accounts for the current trend of institutions under simple contract to be increasingly willing to enter into contracts of partnership. Both the government and the schools have earned the reputation of being fair in the discharge of their responsibilities over the past decade. The state has supervised and inspected without wantonly interfering with the right of the teacher to teach what he believes to be true. The schools have maintained their own distinctive educational character without abusing that privilege by engaging in what would amount to government supported proselytism.

"Catholic students will have no motivation to study in the secular schools, which will be abandoned to Jews, Protestants, and atheists." Opponents of state aid to independent schools repeatedly predict that such assistance will weaken, damage or even destroy public education. In connection with this they prophesy two major consequences: that such aid will cause the expansion and proliferation of private schools and school systems, and that it will deprive public schools of needed funds as well as of community moral and psychological support. Under these conditions private schools would grow while public education would wither on the vine and be "abandoned." Suffice it to say that under the Debré law these gloomy forecasts have simply not come to pass. An irresponsible multiplication of private schools has been effectively forestalled by the requirements that they be regularly open for at least five years before applying for one of the two contracts and that they satisfy a recognized educational need. On the national level funds for private schools and their teachers have been budgeted in in addition to those previously appropriated for public education, while at the regional and local level the principle of equivalency has been enforced. Thus government aid to private education need not result in the decline of the public system. Actually, there is little evidence of any change in the relative importance of the two school systems in France. Available figures on numbers of schools and students reveal no decisive trend in favor of either. If financial aid has made it easier for students to attend confessional schools, general academic improvement of the latter institutions has made it far easier for their students to transfer to public schools. If anything, Catholic students attend public schools at all levels in greater numbers than ever.

"Thus the law will help create a profound division in the instruction and formation of youth." Opponents of aid to non-public schools often maintain that various kinds of political and social schism will result. This is related to the belief that a united community calls for a common school within which children of all religious and cultural backgrounds freely mingle and develop attitudes of mutual understanding and trust. France has provided such an institution for its people for the better part of a century, or almost as long as the United States. No doubt is expressed in this book about the value of the contribution the free public school has made to social and political harmony in both nations. What is seriously questioned, however, is the dogmatism that the presence of a healthily thriving alternative to the public schools invariably contributes to the fragmentation of a community. In France the schools question approached crisis proportions not because private education was thriving but because it was in serious danger of going under. National division was already present and threatened to become permanent. The purpose of the Debré law was to bridge this gap, to close this split, to bring about a rapprochement. The evidence indicates that it has succeeded. Like the public schools, private schools under contract are open to applicants of all persuasions, whose integrity of conscience must be respected. Meanwhile in a variety of ways representatives of both types of education are in continuing dialogue with each other and with representatives of the community at large. We should note furthermore that the schools problem has not been a serious French political issue since 1962.

"Finally, if private instruction becomes less expensive to the nation than public instruction, because of the ridiculously low salaries with which private school teachers are satisifed, there is considerable risk that the quality of instruction will decline." Figures were given following this quotation to demonstrate the comparatively inferior qualifications of teachers in private schools. There is no point in denying the figures, since they demonstrate one major reason for the Debré law's enactment. At that time the qualifications of those teachers did tend to be inferior. But it takes very little imagination to realize that private school teachers were not "satisfied" with their "ridiculously" low salaries. More truthfully, because of circumstances beyond their control, all too many of them were trapped with salaries that were personally tragic and socially scandalous (often less than the minimum cost of living). Commonly they found themselves lacking the educational qualifications to be appointed to corresponding but incomparably better paid positions in public education, and simultaneously unable to improve their educational qualifications because of lack of funds. How was the vicious circle to be broken?

Let it never be forgotten that one major purpose of the framers of the Debré law was to prevent any further decline in the quality of instruction being received by one-sixth of all the pupils of France. In other words, France was not in the market for shoddy education at bargain rates. Rather she was willing to pay almost as much for private as for public education if thereby she could reverse the trend and raise the quality of private education to parity with the high standards set by the public schools. The evidence indicates that this goal has been achieved. Teachers in schools under contract have received a sizable increase in minimum pay. Meanwhile, as we have seen, the state has put them under a regular policy linking promotions and raises to academic advancement. Since these teachers are now also subject to periodic inspections, the state has provided them with some incentive to improve their qualifications and some material support to make it possible. The Ministry of National Education has been seriously concerned to see that the improvement does take place. A spirit of renewal in confessional school teaching has been observed, and the net result has been a national gain in the quality of instruction.

This, then, is one lesson from France: all the fearful consequences that are predicted by sincere Americans to be the inevitable result of providing government aid for non-public schools simply did not take place. The fact that these consequences have not occurred in France does not mean, of course, that they could not happen elsewhere. Such undesirable results are not only possible but highly likely where circumstances include ruthless politics, inept legislation, and insensitive administration. Nor are practical considerations the only matters to be taken into account as we face the question whether we shall provide financial assistance for American non-public schools, and if so, of what kind, when, and under what conditions. Other questions concerning our state, churches, schools, citizens, and their fundamental relationships with each other must also be answered. Nevertheless, it is valuable to know that such assistance need not divide the community or nation, nor proliferate ineffective school systems, nor damage public education, nor infringe upon the intellectual freedom of teachers, nor subject pupils to offense of conscience. And if we can clear the decks of these definitely unwanted "inevitabilities," perhaps we can turn our attention more effectively to the fundamental questions of national ideals, historical tradition, educational purpose, and constitutional interpretation which greatly need reassessment in America at this time.

Questions for Discussion

1. A basic argument heard in England and in France is that it is contrary to the long-term interests of the nation, and therefore foolhardy, not to publicly support parochial schools and insure that all educational institutions are of the highest quality. Do you agree? If not, why not?

2. What sorts of traditional arguments have been offered in the U.S. opposing policies and programs similar to those in Europe outlined in this chapter? Do the social conditions in England and Germany today differ that much from those in the U.S.?

3. How do you respond to the objectives and the teaching units of the Cheshire Agreed Syllabus used in county schools in England? Could or should a similar program be established in our public schools? If not, why not?

4. Many Americans believe that the French Debré Law is a very flexible, reasonable, and workable kind of solution between public and private education. Do you think it would be a practicable solution in the U.S.? Do you agree or not with Robert Healey's arguments countering the perceived dire consequences of such a program?

Suggestions for Further Reading

On England

Cruickshank, Marjorie. *Church and State in English Education, 1870 to the Present Day.* New York: St. Martin's Press, 1963.

Murphy, James. *Church, State, and Schools in Britain, 1800-1970.* London: Routledge & K. Paul, 1971.

On Germany

Helmreich, Ernst Christian. *Religious Education in German Schools. An Historical Approach.* Cambridge: Harvard University Press, 1959.

On France

Healey, Robert M. *The French Achievement: Private School Aid: A Lesson for America.* New York: Paulist Press, 1974.

McManners, John. *Church and State in France, 1870-1914.* London: S.P.C.K. for the Church Historical Society, 1972. A good survey of the early, anti-clerical period with a fine bibliography.